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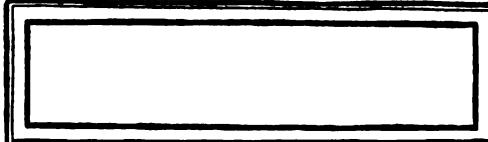
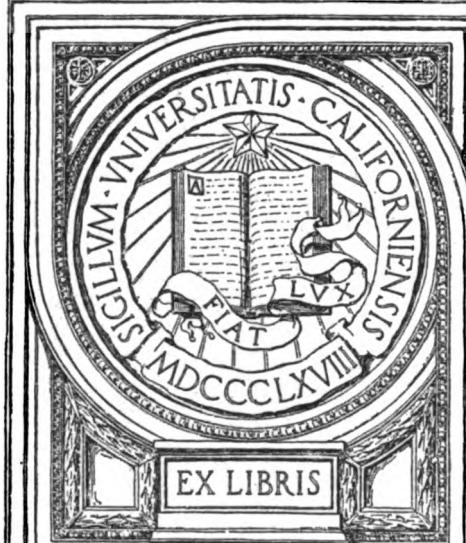
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GIFT OF
Charleston - Clerk of Council



THE
REVISED ORDINANCES
OF THE
CITY OF CHARLESTON,
SOUTH CAROLINA.

REVISED AND CODIFIED BY DIRECTION OF THE
CITY COUNCIL.

CHARLESTON, S. C.
WALKER, EVANS & COGSWELL CO. PRINTERS.
1903.

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1903

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UNIV. OF
CALIFORNIA.

AN ORDINANCE

TO REVISE AND CODIFY THE ORDINANCES OF THE
CITY OF CHARLESTON IN FORCE ON THE 27TH.
DAY OF OCTOBER ANNO DOMINI ONE THOUSAND
NINE HUNDRED AND THREE.

*Be it ordained by the Mayor and Aldermen of the
City of Charleston, in City Council assembled, That*

CHAPTER I.

CITY SEAL.

SECTION 1. The Seal of the City of Charleston Seal of the City. is described as follows: On the right in the foreground is a female figure seated, her right arm raised and forefinger pointing, her left arm down and left hand holding a sceptre; on the left is a ship under full sail; in the background is a water view of the City, with the steeples towering; immediately below the female figure are the words, "Carolopolis Condita A. D. 1670;" encircling the whole are the following inscriptions in Roman capitals: "Aedes mores juraque curat." "Civitatis Regimine Donata

THE MUNICIPAL AMERICAN LAW

2

THE MAYOR.

A. D. 1783." Which Seal, represented as aforesaid and hereto annexed shall be and is hereby established and declared to be the common Seal of the City of Charleston.



*Custodian of
Seal.*

SEC. 2. The City Treasurer shall have the custody of the Seal of the City, and the same shall be carefully preserved and kept by him at all times in his office.

CHAPTER II.

THE MAYOR.

Aug. 25, 1836, § 1

*The Mayor
deemed to be
Chief Executive
Officer.*

His duties.

SEC. 3. The Mayor of the City shall be taken and deemed to be the Chief Executive Officer of the Corporation of the City of Charleston; and in addition to the powers and duties now exercised and required of him by law or Ordinance, it shall be his duty to be vigilant and active at all times in causing the Ordinances and laws for the government of the City to be duly executed and put in force; to inspect the conduct of all subordinate officers in the government or management thereof; and, as far as in his power, to cause all negligence, carelessness, and positive violation of duty to be duly

prosecuted and punished ; for which purpose he shall have all the powers now vested in any of the Aldermen, or in any member of the different boards under the authority of the City ; and if any person shall oppose or interrupt, assault, or refuse to obey the lawful order of the Mayor in the discharge of the duties of his office, such person shall be liable to the same penalties as are imposed for similar offences committed against the Aldermen, or the members of the said board, respectively.

Penalty for opposing his lawful orders.

SEC. 4. The Mayor shall have power, whenever, in his judgment, the good of the City may require it, to summon meetings of the City Council, although their meeting may stand adjourned to a more distant day ; he shall call extra and special meetings when requested in writing to do so by one-third of the whole number of Aldermen elected ; and he shall, from time to time, communicate to the City Council all such information, and recommend all such measures, as may tend to the improvement of the finances, the police, health, security, cleanliness, comfort, and ornament of the City ; and he shall have power to fill all vacancies in the Boards of Commissioners appointed by him.

1b., §2.
Mayor empow-
ered to summon
extra meetings of
Council, &c.

SEC. 5. The Mayor shall have the exclusive direction of the police, or in case of his absence or inability to act, the Mayor Pro Tem. It shall also be the duty of the Mayor, in case of disobedience or misconduct of any one of the officers of the police, to prefer charges against him ; and the officer shall be tried by City Council as hereinafter ordained. And it is hereby further declared to be the special duty of the Mayor to take all proper measures for the suppression of riots and the preservation of public order, for which purpose he is hereby authorized to require all the city officers, and, if necessary, to call upon the citizens to aid and assist him ; and he is authorized to use the police

1b., §4.
Charged with
the discipline of
the police.

Mayor may
bring officers of
the police to trial.

To suppress
riots and preserve
public order.

THE MAYOR.

and such portions of the militia as may on his requisition be furnished by the proper officer in promptly and effectually putting down and suppressing riots, which may be excited in violation of the peace and good order of the community and in defiance of the laws. And it shall be his duty, from time to time, to make reports to Council touching the condition of the public institutions of the city, and to recommend measures for their improvement. .

To make reports to Council.

Ib., § 6.

Power to inspect books and records of City Officers, &c.

SEC. 6. The Mayor shall have power to inspect such of the books, papers, and records, of the public officers of the City, and of the boards under the authority of Council, as may in his opinion be necessary to enable him to discharge the duties imposed upon him; and may call upon all officers of the City and of the said boards to furnish him in writing with any information connected with the respective offices.

Ib., § 7.

To examine assessments.

To examine Treasurer's books.

SEC. 7. The Mayor shall examine the assessments of property made by the City Assessor, and ascertain whether proper measures are taken for the collection of taxes; and, with the members of the Committee on Accounts, shall examine the books of the City Treasurer monthly, compare the receipts and expenditures with the proper vouchers, and report the result of such examination at the first meeting of Council thereafter. The Mayor shall also examine the returns of the City Sheriff of all tax executions which may have been lodged in his office for collection.

Ib., § 8.

To inspect all City work.

SEC. 8. The Mayor shall have full power, and it is made expressly his duty, to inspect all the work going on from time to time at the expense of the City, whether of paving, building, sinking or cleaning drains, assessing and widening streets, or of any other nature whatsoever, and report to Council their progress and the economy with which they may be conducted. .

SEC. 9. The Mayor shall have power to give such directions to the police, and to all other executive officers in the service of the City, as may be necessary to carry the Ordinances and all the police laws and regulations of the City fully into effect; and to require them to attend him for that purpose by night as well as by day, whenever the exigencies of the public business may, in his opinion, render such attendance necessary.

Ib., § 9.

To give directions to police.

SEC. 10. The Mayor shall open an office at the Council Chamber, for the transaction of public business, which office shall be kept open during such hours as he may from time to time prescribe by public advertisement.

Ib., § 10.

To have an office in Council Chamber.

SEC. 11. It shall be the duty of the Mayor, as soon after the close of each year of his term of office (including the last year thereof) as is practicable, to present to the City Council the annual reports of the several departments of the city government for the previous year, reviewing the same with such recommendations in relation thereto as may seem to him advantageous to the public service, and cause the same to be printed and bound in the usual form.

Mayor to make annual reports of the several departments of the city.

Same to be printed and bound.

Feb. 8, 1881.
Dec. 30, 1892.

Salary.

SEC. 12. For his services the Mayor shall receive an annual salary of three thousand five hundred dollars, payable monthly.

CHAPTER III.

JUDICIAL DEPARTMENT.

CITY COURT—RECORDER—CORPORATION COUNSEL— CLERK—SHERIFF.

SEC. 13. A term of the City Court shall be held on the first Monday in every month to continue for four weeks, unless the business of the Court shall

Feb. 5, 1874, § 1.
Amended.
Mar. 25, 1902.

Terms.

be sooner disposed of: *Provided*, That no jury shall be drawn for any term, unless by order of the Recorder.

Ib., § 2.

Jury Commissioners.

Jurors.

Drawing of Jury.

SEC. 14. The Clerk of the City Court, the City Treasurer and the City Assessor shall constitute the Board of Jury Commissioners for the City Court of Charleston: *Provided*, in case any member of the Board of Jury Commissioners fail to attend for the purpose of drawing a jury, a majority of the Board may act. The City Sheriff shall on the first day of January each year, provide a list of twenty-five hundred legally qualified jurors, from which list the Board of Jury Commissioners shall cause the names to be written, each one on a separate paper or ballot, and shall fold up said pieces of paper or ballots so as to resemble each other as much as possible, so that the names written thereon shall not be visible on the outside, and shall place them with the said list in a box to be furnished to them by the City Council of Charleston, which box shall be in custody of the Clerk of Court. The jury box shall be provided with three locks, each different. The key to one lock shall be kept by the Clerk of the City Court, one by the City Treasurer and one by the City Assessor, so that no two of said Commissioners shall hold keys to the same lock. When jurors are to be drawn, the Board of Jury Commissioners shall attend at the office of the Clerk of the City Court, and in the presence of the Sheriff shall shake up the names of the jury box until they are well mixed, and having unlocked said box, the Board of Jury Commissioners, or a majority of them, shall proceed to draw therefrom, without seeing the names written thereon, a number of ballots equal to the number of jurors required, and which jury shall be summoned for the trial of causes in like manner and under the same penalties as are established by law and usage in the Circuit Court: *Pro-*

vided, That no *venire facias* shall at any time issue for more than eighteen jurors to serve at one Court, from whom a jury (or two juries, if the Recorder shall regard more than one jury necessary for the proper dispatch of the business before the Court,) shall be empanelled; and in case of non-attendance of the jurors so drawn and summoned, their places may be supplied by talesmen, drawn in the usual mode; but no person shall be liable to serve twice until all the names in the said jury box shall be drawn out.

SEC. 15. The City Sheriff is hereby required to cause to be made a jury box and to provide a jury list of all persons qualified according to law to serve as jurors in the said Court.

SEC. 16. The practice and pleading in the City Court shall be the same as in the Circuit Court; *Pro-vided*, That in no case in which the City Council shall recover judgment, shall costs be charged against the City.

SEC. 17. Whenever, and as often as the office of Recorder shall become vacant, a Recorder for the City of Charleston shall be elected by the City Council by ballot, and be commissioned by the Mayor during good behavior; and the Recorder so elected, before he enters upon the execution of his office, shall, in addition to the oath prescribed by the Constitution and laws of the State, take the following oath of office, to wit: "I, A. B., do solemnly swear that I will well and truly discharge the trust reposed in me, as Recorder of the City of Charleston, by administering justice according to law and the Ordinances of the City Council, in the City Court, wherein I am appointed to preside, according to the best of my knowledge, judgment and ability, without malice or partiality; that I will not take any fee, gift, or gratuity, except such as may be allowed me by law, or Ordinance of the City Council, for

Ib., § 3.

Sheriff to pro-
vide a jury list.

Ib., § 4.

Sep. 22, 1874, § 1.

Practice and
pleadings.

Ap. 14, 1802, § 6.
Recorder to be
elected by Coun-
cil.

Oath of office
to be taken by
Recorder.

CITY COURT AND RECORDER.

any thing to be done by me, in virtue of my said office; and that I will, without being influenced by fear, favor or affection, do equal justice and right to all manner of people, both high and low, rich and poor, without any distinction whatsoever; and that I will likewise, during my continuance in the said office, truly, faithfully and impartially discharge all the other duties thereof prescribed, or to be prescribed by any of the City Ordinances, or resolutions of the City Council. So help me God."

To make rules
for the Police
Court.

May require
the attendance
of the police and
City Sheriff.

Persons inter-
rupting the pro-
ceedings of Po-
lice Court to be
arrested.

Penalty.

It shall be the duty of the Recorder to hold a Police Court daily at the Main Station at such hour as he may fix, and he shall have power to make such rules and regulations, not inconsistent with the laws of the land, for conducting the business of the Court as may be necessary for the dispatch of the same, the preservation of order and the furtherance of public justice; and he may require the attendance of any of the officers or members of the police, the City Sheriff and his deputies, whenever their presence may, in his opinion, be necessary for the safe keeping of the prisoners, or the suppression of any riot or disorder; and it shall be the duty of such officers to arrest and commit to the Guard-house all persons guilty of any riotous or disorderly conduct, or who may in any other manner unlawfully interrupt the proceedings of the said Court, to be dealt with according to law; and every person so offending shall be deemed guilty of a misdemeanor, and shall be liable to a fine of not less than twenty dollars nor more than one hundred dollars, to be recovered before any Court of competent jurisdiction, or to imprisonment not more than thirty days; and may, moreover, be required to give security for his good behavior. And it shall be the duty of one of the officers of the police to be in constant attendance on said Court, and to take the proper measures for the safe keeping of the prisoners, and for carrying into effect the orders of said Court.

SEC. 18. If the Recorder shall absent himself from the City, or neglect to attend the City Court, for the space of three months in any one period together, without leave of the City Council first had and obtained, such absence or neglect shall absolutely vacate his office, and the City Council shall proceed to elect another person as Recorder in his stead.

Ib., § 8.

Office vacated if
Recorder shall ab-
sent himself or
neglect his du-
ties.

SEC. 19. It shall be the duty of the said Recorder to report to the corporation whenever required by them, his opinion in writing, as to any point or points of law submitted, which may relate to the interest or concerns of the City, and to afford his counsel upon all legal subjects which may from time to time arise and be submitted to him, or which may be required of him by any Ordinance or resolve of the City Council: *Provided*; That nothing herein contained shall be construed to impose any obligation upon the said Recorder to appear as an advocate and plead in the Courts in any case in which the corporation of the said City may be interested or concerned.

July 29, 1825, § 2.

Recorder to re-
port his opinion
on points of
law submitted to
him.

SEC. 20. That the Recorder of the City of Charleston, or any Magistrate having jurisdiction of offences against the ordinances of the City of Charleston, be, and they are hereby authorized, in their discretion, to sentence persons convicted in the Police, City or Magistrates' Courts of violating the ordinances of the city, to hard labor on the streets, squares, alleys and lanes of the City of Charleston for such a number of days (not exceeding thirty), as the offence may deserve. That all persons so sentenced shall be worked under the direction and control of the Superintendent of Streets and Committee on Streets of the City of Charleston.

Recorder to
sentence persons
convicted of vio-
lation of City
Ordinances to
hard labor on
the streets, etc.

SEC. 21. The City Recorder shall receive as a compensation for his services an annual salary of

Mar. 12, 1844, § 1.
Mar. 26, 1895.

Salary of Re-
corder.

fifteen hundred dollars, payable monthly out of the City Treasury.

Dec. 29, 1837, §1.
Aug. 13, 1851, §1.
Feb. 28, 1893, §1.
Ap. 13, 1897.

Salary of Clerk.

Feb. 27, 1903.

SEC. 22. That at the first regular meeting of Council in January A. D. 1906, and at the same time in every fourth year thereafter, there shall be elected a Clerk of the City Court, who, as a compensation for all his services in attending the City Court, and performing such duties as may be required by the Recorder, and in lieu of all charges for costs in cases in the City Court where decrees may be against the City, shall receive the annual salary of \$150.00, payable monthly.

Corporation Counsel.

Dec. 23, 1873, §1.
Election.
April 13, 1897.

1b., § 2.
Duties.
May 17, 1897.

SEC. 23. On the second Tuesday in January A. D. nineteen hundred and six, and on the same day in every fourth year thereafter, there shall be elected by the City Council an officer whose designation shall be the Corporation Counsel of Charleston.

SEC. 24. The duties of said Corporation Counsel shall be as follows: He shall enter appearance in all actions, cases and special proceedings, and conduct all suits in all Courts in which the City of Charleston is or shall be a party and examine titles, prepare deeds and other instruments required by his office, and by this body, with reference to the cases in which he appears.

He shall prosecute escheats, investigate titles, give opinions on questions of law when requested by this body, and he shall do every professional act incident to his office which may be required by the City Council, any committee thereof or any ordinance or resolution.

He shall furnish to the Mayor, City Council, any committee thereof, or to any officer who may require it in the official discharge of his duties, his legal

opinion on any and all matters relating to the duties of their respective offices.

He shall draft such bonds, deeds, obligations, contracts, leases, conveyances, agreements and other legal instruments of whatever nature which may be required of him by any ordinance or resolution, or by any order of the Mayor, the City Council or any committee thereof, or which may be required by any person contracting with the City, which by law, usage or agreement the City should furnish.

He shall when requested by the Mayor or the City Council appear before the Legislature or any committee thereof, and there represent the interests of the City.

He shall pay monthly to the Treasurer of the said City all sums received for the said City by him, as the legal representative thereof: *Provided*, however, that he may pay over such moneys as he may collect on cases in his hands to the several departments of the City from which he shall have received such cases.

He shall report annually to Council the number and condition of the cases in which he shall have entered appearance, and shall within three weeks from the day of his election, enter into bonds for five thousand dollars, with one or more sureties, for the faithful performance of his duties, and the payment of all moneys as hereinbefore provided.

It shall be the duty of the Corporation Counsel to consult with the Mayor as to the best method of handling all matters referred to him by the Mayor, and to conduct and dispose of all cases placed in his hands by the Mayor in such manner as the Mayor may direct.

SEC. 25. The salary of the Corporation Counsel shall be eighteen hundred dollars per annum, payable monthly: *Provided*, That for services rendered beyond the limits of the City, such actual traveling

Feb. 14, 1882.
March 5, 1895.
Salary—Clerk.

and hotel expenses shall be allowed, as are reasonable and just. He shall also be authorized to appoint a clerk who shall be under his control and direction, to perform such duties as he may require; such clerk to receive a salary of \$300 per annum, payable monthly.

Dec. 23, 1873, §5.

Mayor authorized to employ additional counsel.

SEC. 26. The Mayor, in his discretion, shall be authorized, on particular occasions, to engage the services of additional counsel, the compensation for said services to be provided by the City Council.

Sheriff.

Ap. 14, 1802, §1.

Election and term of office.

Oath of office.

SEC. 27. The Sheriff of the City shall be elected by the City Council, by ballot, and be commissioned by the Mayor for a term of four years, and the person so elected shall take the oath of allegiance to the State, and also the following oath, viz.:

“I do solemnly promise and swear (or affirm) that I will well and faithfully serve the City of Charleston, in the office of Sheriff, according to the best of my skill and ability; that I will do equal right to all persons, high and low, rich and poor, without malice, favor or affection; that I will well and truly return and execute all process, writs and executions directed to me, according to any Act of the Legislature or ordinance of the City Council; that I will not take any fee, gift, or gratuity, except as may be allowed me by law, for anything to be done by me in virtue of my said office; and that I will justly and faithfully render a stated account of all moneys received by me on account of the corporation to the Mayor or City Council once in every month and pay the same into the treasury of the City. So help me God.”

Nov. 10, 1896.

Under Sheriff.

The Sheriff of the City shall be, and is hereby authorized and empowered to appoint an Under Sheriff, subject to the approval of the Mayor, to

aid him in the duties of his office, at a salary of nine hundred dollars per annum, payable monthly, out of the city treasury. The Sheriff shall have power at all times to remove said Under Sheriff, and, with the approval of the Mayor, to appoint another in his place. Nothing herein contained shall be construed to exempt the said Sheriff from liability for the misconduct or malfeasance of said Under Sheriff so appointed. The said Under Sheriff shall take the oath above prescribed to be taken by the Sheriff except the latter sentence of the same previous to entering upon his duties. The Sheriff shall make all proclamations, issued by order of the Mayor, which concern the interest of the City, without any extra fee or reward.

To make all proclamations.

The said Sheriff, Under Sheriff and Deputy Sheriffs, shall be liable to all such other duties, and invested with all the powers and authorities within the jurisdiction or the limits of the City, that Sheriffs, Under or Deputy Sheriffs, by the laws or customs of this State, have usually been liable to, or have exercised. And if any person shall resist or oppose the Sheriff, or any Under or Deputy Sheriffs, in the lawful execution of the duties of his or their office, every such person shall, upon conviction in any Court of competent jurisdiction, be fined in any sum not exceeding eighty dollars. And every Under or Deputy Sheriff shall produce his deputation whenever the same shall be lawfully demanded by any person whomsoever.

Penalty for opposing City Sheriff.

SEC. 28. It shall be the duty of the City Sheriff to keep a book, wherein he shall enter an account of all moneys received by him in the execution of his office, for the corporation, which book shall be considered, and hereby is declared to be a public record, and to be left by the said Sheriff in the office at the expiration of his term of office. The said Sheriff shall, at the expiration of every month, lay an

Oct. 10, 1826., §9.

To keep a book in which shall be entered an account of all moneys received.

To render a monthly account of moneys.

Penalty.

attested statement of all moneys received by him on account of the corporation, before the City Council, and shall pay over the same within the said period of one month, to the City Treasurer; and if the said Sheriff shall refuse or neglect so to do, he shall forfeit and pay, for the use of the City, the sum of fifty dollars for every such neglect, together with a fine of five per cent. per month on the amount received by him, and not accounted for, or paid over within the period aforesaid; to be sued for and recovered in the City Court.

Sep. 1, 1825. § 1.

To make return on 1st June and December upon each tax execution.

SEC. 29. It shall be the duty of the City Sheriff, at certain periods in every year, to wit: On the first day of June, and on the first day of December, to make a full and just return on oath, to the City Treasurer, upon each and every tax execution which may have been lodged in his office by the City Treasurer, or by the direction of the City Council; and upon all other claims due the said City, which may have been lodged in his office for collection, by order of the City Council, or by any of the City officers, by their authority, or under any of the City Ordinances; and he is hereby further required, upon making such return, to furnish the said City Treasurer with an abstract or schedule, in which shall be distinctly noted the names of all persons against whom such tax executions have been issued; and of such persons by whom any of the claims may be due and owing which he has been directed to collect as above mentioned; the amount due by each, and a memorandum of the nature of the return; and upon his failing to make such return, the said Sheriff shall be charged with the amount of the said tax executions, and other claims in behalf of the City, which may have been placed in his hands as aforesaid; and if, in making his return the said City Sheriff shall omit any one or more tax executions, or the name of any person by whom any of the

other claims mentioned above may be due and owing, he shall be charged with the amount thereof.

SEC. 30. It shall be the duty of the City Treasurer, in every year, at the first meeting of the City Council, after the first days of June and December, to report to the said City Council whether the said City Sheriff has made his return as above required; and if the return be made, to lay before Council the schedule or abstract furnished to him by the City Sheriff, as above directed; and if the City Sheriff shall fail to make his return, it shall be the duty of the said City Treasurer to place the official bond of the said City Sheriff in the hands of the Corporation Counsel, and to cause suit to be commenced upon the same forthwith, against the said City Sheriff and his securities, and report such proceedings to Council.

SEC. 31. The person elected to the office of City Sheriff shall, within three weeks immediately succeeding such election, and before he enters on the duties of his office, give a bond, drawn payable to the City Council of Charleston, their successors and assigns, in the sum of ten thousand dollars, conditioned for the due and faithful discharge of the duties of said office, as required or to be required by law, which bond shall be executed by the said Sheriff-elect, and any number of sureties, not less than three, to be bound jointly and severally.

SEC. 32. No person to be elected as aforesaid, to the office of City Sheriff, shall be permitted, by the Judge of the City Court, to enter upon the duties of his office, until he hath recorded, in the office of the Clerk of the City Court, a certificate from the Mayor of the City, who is hereby authorized to give the same, that such Sheriff hath duly executed the bond aforesaid, and lodged in the office of the City Treasurer, such bond, with such security as is herein required, and hath been duly qualified.

SEC. 33. A fair and true copy of the books of the

Ib., § 2.

City Treasurer
to report to
Council whether
City Sheriff has
made returns.

Oct. 10, 1826, § 5.
Dec. 27, 1898.

Bond to be given
en by City Sher-
iff.

Ib., § 6.

To obtain cer-
tificate that bond
has been exe-
cuted.

Ib. § 10.

To leave a
copy of books
after expiration
of office.

Penalty.

Ib. § 12.

To turn over
to his successor
all papers and
prisoners.

Penalty.

Mar. 8, 1841, § 1.
Aug. 3, 1851, § 1.
Nov. 10, 1896.

Salary.

Election.

City Sheriff shall be made at his own expense, in books well and strongly bound, and shall be lodged within three months after the expiration of his office, and be kept as public records in the office of the City Sheriff; and every such Sheriff refusing or neglecting to lodge his original books or the said copies within the term aforesaid, shall forfeit and pay the sum of five hundred dollars, for the use of the City; to be sued for in any court having competent jurisdiction.

SEC. 34. The City Sheriff shall, at the expiration of his office, turn over to his successor, by indenture and schedule, all such writs, executions, and process, as shall remain in his hands unexecuted, who shall execute and return the same; and shall, also, deliver to his successor in office, the custody of all such persons as shall be confined under his charge, with the cause of their detention; and on failure thereof, for the space of two months after the expiration of his office, the said Sheriff shall forfeit and pay for each refusal or neglect, the sum of one hundred dollars, for the use of the City.

SEC. 35. The City Sheriff shall receive a salary of eighteen hundred dollars per annum, payable monthly, which shall be in full payment and compensation of all salary, fees, costs and emoluments whatsoever and in lieu of the same. The Sheriff shall, as often as once a month, pay over to the City Treasurer all moneys, fees and costs received by him for the City and all costs and fees received by him with a statement of the different accounts on which the same were received, taking a receipt for the same.

SEC. 36. The next election for City Sheriff shall take place on the third Tuesday in November, A. D. 1906 and on the same day in every fourth year thereafter.

CHAPTER IV.

FINANCIAL DEPARTMENT.

TREASURER—ASSESSOR—ASSESSMENT AND TAXATION—ACCOUNTS—SINKING FUND.

SECTION 37. A City Treasurer shall be elected Jan. 6, 1845, §1.
 by the City Council on the third Tuesday in Octo- Election.
 tober, A. D. nineteen hundred and three, and on
 the same day in every fourth year thereafter.

SEC. 38. The person elected to the office of City Oct. 10, 1826, § 1.
 Treasurer shall, within three weeks immediately Bond.
 succeeding his election, and before he enters on
 the duties of his office, give a bond to the City
 Council of Charleston their successors and assigns,
 in the sum of twenty-five thousand dollars, conditioned
 for the due and faithful discharge of the
 duties of the said office, as required, or to be required
 by law; which bond shall be executed by the said
 Treasurer elect, and any number of securities, not
 less than four, to be bound jointly and severally.

SEC. 39. The City Treasurer, for his services, Dec. 3, 1867, §1.
Feb. 28, 1893, §1.
Oct. 27, 1903.
Salary.

shall receive an annual salary of twenty-five hun-
 dred dollars, payable monthly, out of the City
 Treasury.

SEC. 40. The City Treasurer shall be, and he is Jan. 6, 1845, §2.
Dec. 3, 1867, §1.
Treasurer to
appoint Clerks
who shall enter
into sureties to
discharge the du-
ties of his of-
fice.

hereby authorized and empowered to appoint one
 or more clerks, subject to the approval of Council,
 to aid him in the performance of the duties of his
 office; who shall, if required by the City Treasurer,
 enter into bond, with two sureties, to be approved
 of by the City Treasurer, in the penal sum of ten
 thousand dollars each, conditioned for the due and
 faithful discharge of the duties of his office, as
 required, or to be required by law; which bond shall
 be drawn payable to the City Treasurer, or his

Salary of
clerks.

assigns. The said clerks to the City Treasurer, for the faithful discharge of the duties required to be performed by them for the City Council and for the City Treasurer, shall receive such salaries as may be, from time to time, fixed by the City Council, and payable out of the City Treasury. The City Treasurer shall have power, at all times, to remove the clerks whom he may so appoint, and to engage others in their place. Nothing herein contained shall be construed to exempt said Treasurer from liability for the misconduct or defalcation of said clerks so appointed.

Oct. 10, 1826, §13.

Moneys to be deposited in such bank as Council shall direct.

SEC. 41. It shall be the duty of the City Treasurer and City Sheriff to deposit, in such bank as Council shall direct, all and every sum or sums of money received by them in their official capacity, immediately after the same has been received in their respective names, as public officers, distinct from any deposit made by them, or either of them, in their name, and on their own account, as private individuals; and, on failure of making such deposit in the manner hereby prescribed, or on either of the said officers depositing moneys received by them respectively, by virtue of their office, in any other bank than that designated by Council, the said officer so offending shall forfeit and pay for each and every offence twenty-five per cent. on the amount so neglected to be deposited as aforesaid; to be recovered in any Court of competent jurisdiction one moiety thereof for the use of the City, and the other moiety for the use of such person or persons as shall give information of the same, and prosecute the same to effect.

Ib., §14.

All payments to be made by checks.

SEC. 42. No payment shall be made by the said city officers in any other manner than by a check or draft upon bank, as Council shall direct them to deposit, in the moneys received in their official capacity, so as to make it indispensably necessary for

the said officers to deposit their money in such bank previous to their making such payment; and in case either of the said officers shall pay over money otherwise than is hereby directed, such officer shall forfeit and pay, for each offence, the sum of fifty dollars, for the use of the City. *Provided*, That nothing herein contained shall be so construed as to prevent the City Treasurer from keeping in his office, for the smaller expenses of the City, a sum not exceeding fifty dollars.

Exception.

Assessor.

SEC. 43. City Council shall, at their first regular meeting in January, A. D. nineteen hundred and six, or on the first meeting of Council thereafter, and on the same day every fourth year thereafter, elect an Assessor, who shall receive a salary of eighteen hundred dollars per annum, payable monthly.

Nov. 14, 1871, §2.

City Council
to elect an As-
sessor.

Ib., § 3.

Salary.

Oct. 9, 1869, §3.

Bond.

SEC. 44. Before entering upon the duties of his office, the Assessor shall give bond in the sum of five thousand dollars, with two good and sufficient sureties, to be approved by the Mayor, conditioned for the faithful performance of the same.

SEC. 45. It shall be the duty of the Assessor, in each and every year, to verify the returns made to his office, with the returns made to the County Auditor for State taxation, and to keep a full and complete record of the same, setting forth the location, value and description of all lands and buildings liable to taxation.

Oct. 28, 1869, §1.

To keep a list
of real estate
owners with de-
scription of prop-
erty.

SEC. 46. It shall be the duty of the Assessor to keep in his office, in a book well and strongly bound, an alphabetical list of all real estate owners within the limits of the City, showing the appraised value of each piece or parcel of real estate; the width and depth, and number of each lot, and the kind of

Ib.

Nov. 24, 1896.
Annual a-
praisement.

building or buildings, if any, thereon, together with the amount of tax assessed upon each and every piece or parcel of said property.

Ib., § 2.
Nov. 24, 1896.

Time for receiving returns to be published.

Returns to be made for defaulters.

Ib., § 3.

Record to be kept of all changes in real property.

Sept. 10, 1895.

Assessor to appoint Clerk.

Salary.

Assessor to have power to remove Clerk.

SEC. 47. The Assessor shall publish for the information of the people the time at which the returns for taxes shall be made, and after the expiration of the time designated for making the same, he shall proceed to make copies of the returns to the County Auditor for State and County taxation of such taxpayers as have failed to make returns to the City, and shall assess the City taxes due thereon, and deliver the same to the City Treasurer.

SEC. 48. The Assessor shall also keep a careful record of all changes in real property, whether by improvement, injury or destruction, and shall report the same to the County Auditor, with a view to an equitable increase or decrease of the appraisement thereof, and in addition to the several duties herein prescribed, he shall perform all the duties, not inconsistent herewith, as may be prescribed by the City Council.

SEC. 49. That from and after the second Tuesday in January, A. D. 1896, the City Assessor shall be, and is hereby authorized and empowered to appoint a clerk, subject to the approval of the City Council, to aid him in the performance of the duties of his office. The said clerk shall receive such salary as may be, from time to time, fixed by the City Council, and payable monthly out of the City Treasury. The City Assessor shall have power at all times to remove the clerk whom he may appoint, and engage another in his place. Nothing herein contained shall be construed to exempt the said City Assessor from liability for the misconduct or malfeasance of said clerk so appointed.

Assessment and Taxation.

SEC. 50. That all real and personal property within the limits of the City of Charleston shall be appraised, and all taxes shall be levied thereon at a uniform and equal rate.

Feb. 13, 1870, § 1.
Jan. 18, 1871, § 3.
Ross vs. Kelley.

SEC. 51. The term "personal property," as used in this Ordinance, shall be held to mean and include all things, other than real estate, which have any pecuniary value, and moneys, credits, investments in bonds, stocks, joint-stock companies, or otherwise. The term "money" or "moneys," as used in this Ordinance, shall be held to include gold, silver and other coin, bank bills, and other bills or notes authorized to be circulated as money, whether in possession or on deposit, subject to the draft of the depositor or person having the beneficial interest therein on demand. The term "credits," as used in this Ordinance, shall be held to mean the remainder due, or to become due to a party, after deducting from the amount of all legal debts, claims and demands in his favor, the amount of all legal debts and demands against him, whether such demands be payable in money, labor, or other valuable things. But, in ascertaining such remainder, no deduction shall be made of any obligation to any mutual insurance company, given for insurance, nor of any subscription to the capital stock of any joint-stock company, nor of any taxes assessed against the party, nor of any subscription to any religious, scientific, literary or charitable purpose, nor of any acknowledgment of a liability not founded on a legal and valuable consideration, nor any more of any joint liability with others than the party honestly believes he will be compelled to pay, nor any contingent liability, nor of any acknowledgment of debt or liability made for the purpose of diminishing

Feb. 13, 1870, § 2.
"Personal property" defined.

Moneys.

Credits.

Investment in bonds. the amount of credit, to be returned for taxation.

Investment in stocks. The phrase "investment in bonds," as used in this Ordinance, shall be held to mean all investments of money, or means in bonds of whatsoever kind, whether issued by the Government of the United States, or of this, or any State or Territory of the United States, or any foreign government, or any County, City, Town, Township or other municipality, or by any corporation or company of this, or any other State or country. The phrase "investment in stocks," as used in this Ordinance, shall be held to mean and include all investments of money or means in the evidences of indebtedness, other than bonds or bills designed to circulate as money, issued by any government or municipality, and shares of the capital of any corporation or company, or association, and every interest in any such shares or portions thereof; also all interests or shares in ships, boats or other vessels, used or designed to be used, exclusively or partially, in navigating the waters within or bordering on this State, whether such ship, boat or vessel be within the jurisdiction of this State or not, and whether such vessel be registered or licensed at any collector's office in this State or not. The word "oath," as used in this Ordinance, shall be held to mean and include an affirmation duly made. The words "person" and "party," and other word or words importing the singular number, as used in this Ordinance, shall be held to include firms, companies, associations and corporations, and all words in the plural number shall apply to single individuals in all cases where the spirit and intent of this Ordinance requires it. All words in this Ordinance, importing the masculine gender, shall apply to females also, and all words in this Ordinance importing the present tense, shall apply to the future also.

Time. **Ib., § 3.**

Property exempt from taxation. SEC. 52. The following property shall be exempt from taxation, to wit :

1. All real and personal property, the rents, issues, incomes and profits of which have been, or shall be given exclusively for the endowment or support of public schools, so long as such property, or the rents, issues, incomes or profits thereof shall be applied exclusively for the support of free education in said schools. Property de-
voted to the sup-
port of public
schools.

2. All property owned exclusively by the United States, or this State, or this City. Property owned
by the U. S., etc.

3. All property belonging to institutions of purely public charity, and used exclusively for the maintenance and support of such institutions, and all church property exempted by the Constitution. Charitable in-
stitutions and
churches.

4. All fire engines, and other implements used in the extinguishment of fires, when owned by the City, or any organized fire company. Fire engines.

5. All bonds of this State which, by the terms of the Act under which they are or may be issued, are or may be exempted from taxation. State Bonds.

6. All bonds and stocks of the United States, which are not authorized by the laws of the United States, to be taxed under State authority. U. S. bonds
and stocks.

7. All pensions payable to any person by the United States, or any State of the United States. Pensions.

8. All the wearing apparel of the person required to make return and his family. Wearing appar-
el.

9. Articles actually provided for the present subsistence of the person or his family, to the value of one hundred dollars. Subsistence.

SEC. 53. Every person of full age and of sound mind, except married women, shall annually list for taxation the following personal property, to wit :

1. All the tangible personal property in the City owned or controlled by him. Personal prop-
erty to be listed.

2. All the tangible personal property owned by him or other residents of the City, under his control, which may be temporarily out of the City, but is intended to be brought into the City. Personal prop-
erty owned in
the City.

Personal prop-
erty temporarily
out of the City.

Personal property sent out of the City and not sold.

Moneys, credits, and investments.

Who shall list property.

3. All tangible personal property owned or controlled by him, which may have been sent out of the City for sale, and not yet sold.

4. All the moneys, credits, investments in bonds, stocks, joint stock companies, or otherwise, owned or controlled by him, whether in or out of the City.

The property of every ward shall be listed by his guardian; of every minor child having no other guardian, by the father, if living; if the father be dead, by the mother, if living; if the mother be dead or married, by the person having it in charge; of the wife, by the husband, if living and sane, and the parties are residing together; if the husband is dead, or is insane, or is not living with his wife, by the wife; of every person for whose benefit property is held in trust, by the trustee; of every deceased person by the executor or administrator; of those whose property or assets are in the hands of receivers, by such receivers; of every firm, company, body politic or corporate, by the president, or principal accounting officer, partner, or agent thereof; of all persons in the hands or custody of any public officer or appointee of a Court, by such officer or appointee; of those absent or unknown, by their agent, or the person having it in charge.

Ib., § 5.

Persons listing property for others to list it in name of owner.

SEC. 54. All persons required by this Ordinance to list property for others, shall list it separately from their own, and in the name of the owner thereof; but shall be personally responsible for the taxes thereon, for the year in which they list it, and may retain so much thereof, or the proceeds of the sale thereof in their own hands, as will be sufficient to pay such taxes.

Ib., § 6.
Property to be returned for taxation.

SEC. 55. All horses, neat cattle, mules, asses, sheep, goats, hogs, wagons, carts and other vehicles used in any business; furniture and supplies used in hotels, restaurants and other houses of public resort;

all personal property used in, or in connection with storehouses, manufactories, warehouses, or other places of business; all personal property or farms; all merchants' and manufacturers' stock and capital shall be returned for taxation and taxed; all bankers' capital and personal assets pertaining to their banking business in the City; all shares of stock in incorporated banks located in the City; all personal property of deceased persons shall be returned for taxation by the executor or administrator, and all personal property shall be returned for taxation.

SEC. 56. Every person required by this Ordinance to list property shall, annually, between the first day of January and the twentieth day of February make out and deliver to the Assessor, or other person duly designated for that purpose, a statement, verified by his oath, of the real and personal property possessed by him, or under his control, on the first day of January of that year, either as owner, agent, parent, husband, guardian, executor, administrator, trustee, receiver, officer, partner, factor or holder, with the value thereof, on the said first day of January, at the place of return, estimating according to the rules prescribed by this Ordinance, which statement, in addition to a description of the real estate, shall set forth :

1. The number of horses, and their value.
2. The number of mules and asses, and their value.
3. The number of neat cattle, and their value.
4. The number of sheep and goats, and their value.
5. The number of hogs, and their value.
6. The value of gold and silver plate, and number of gold and silver watches, and their value.
7. The number of piano fortés, melodeons, cabinet organs, and their value.
8. The number of pleasure carriages, and their value.

Ib., § 7.
Jan. 18, 1871, § 3.
9th May, 1882.
Nov. 24, 1896.

Time for making returns.

Character of returns.

9. The number and value of dogs.
10. The value of goods, merchandise, moneys and credits pertaining to his business as a merchant.
11. The value of materials received, used, or provided to be used in his business as a manufacturer.
12. The value of all machinery, engines, tools, fixtures and implements used, or provided for his use, in his business as a manufacturer, and of all manufactured articles on hand one year or more.
13. The value of all moneys, including bank bills and circulating notes.
14. The value of all credits.
15. The value of investments in the stocks and bonds of any company or corporation out of the city, except National Banks.
16. The value of all investments in stocks and bonds, except bonds of the United States and this State and City, expressly exempted from taxation by the law under which they were issued.
17. The annual value of all leases.
18. The value of all other property.

Feb. 13, 1870, §8.

Merchants required to render statement of value personal property, moneys and credits.

SEC. 57. Any person who shall, at any place in this City, be engaged in the business of buying and selling personal property, or in selling personal property consigned to him from any place within this City, or property not the product of this City, consigned to him from any place within this City, shall be held to be a merchant, and, at the same time he is required to list his other personal property, shall deliver to the Assessor, or other officer designated therefor, a statement, under his oath, of the value of the personal property, moneys and credits pertaining to his mercantile business.

1b., § 9.

Manufacturers required to render statement of property pertaining to business as manufacturer.

SEC. 58. Every person engaged in making, fabricating, or changing things into new forms for use, or in refining, rectifying or combining different materials for use, shall be held to be a manufacturer, and shall at the same time he is required to list his

other property, make and deliver to the Assessor or other officer duly designated therefor, a statement, under oath, of the value of the personal property, moneys and credits pertaining to his business as a manufacturer.

SEC. 59. Any person or persons, company or corporation, engaged in the business of conveying to, from or through this City, or any part thereof, moneys and other personal property, shall be held to be an express company, and any person or persons, company or corporation engaged in the business of transmitting messages to, from and through this City, or any part thereof, shall be held to be a telegraph company; and any such company having its principal office out of this City, shall annually, in the month of January, or before the 20th of February, by its principal agent in this City, make out and deliver to the City Assessor a statement, under oath, showing the value of all its personal property in this City, including poles, wires, batteries, machinery, materials and apparatus, together with the gross earnings of said company in this City for the business done in this City for the year ending the thirty-first day of December, and the company's proportion of receipts for business done in connection with the lines of other companies out of this City. *Provided*, That ordinary transportation companies engaged exclusively in the transportation of merchandise, in connection with other roads or lines of navigation, shall not be considered express companies, within the meaning of this Section. That all telephone companies shall make to the Assessor, at the time herein specified, the same return as is herein required to be made by telegraph companies.

Any person, company or corporation commencing any business in this City after the first day of January in any year, the capital or personal property employed in which shall have not been previously

May 27, 1884.
Nov. 24, 1896.
Express Companies.

Telegraph Companies.

Statement to be made of the value of property, and of gross earnings.

Proviso.

Telephone Companies.

Persons commencing business after 1st June, shall, within 30 days, make report to City Assessor.

returned for taxation, for such year, shall, within thirty days after commencing such business, report to the City Assessor, under oath, the average amount of the capital intended to be employed in such business, from the time of its commencement to the first day of January next ensuing, and said City Assessor shall charge him or them with such proportion of all taxes levied on others upon similar capital or property as the time from the commencement of the business to the ensuing first day of January bears to one year.

To be charged
a pro rata tax.

Assessor to as-
certain names of
such persons.

It shall be the duty of the City Assessor to ascertain the names of all persons commencing any business after the first day of January, annually, whose capital or property employed in such business was not returned for taxation for the then current fiscal year, and assess the same upon the persons chargeable therewith. If any person, company or corporation shall commence any business after the first day of January in any year, the capital or property employed in which shall not have been previously listed for taxation, and shall not, within thirty days thereafter, make such report to the city assessor as is herein required, he, she or they shall be liable to a penalty of one hundred dollars.

Penalty for
failure to report
to Assessor.

Feb. 13, 1870, \$
Nov. 26, 1896.

Telegraph
and railroad
Companies.

Return o f
personal assets
for taxation.

SEC. 60. The tools, machinery, wires, fixtures, vessels and carriages owned and necessarily in daily use by any telegraph or railroad company in the prosecution of their business, shall, for the purposes of this ordinance, be held to be personal property, and the president, secretary or principal accounting officer thereof shall include the value thereof in the return of other personal assets of such company for taxation, which return shall be made in the month of January, on or before the twentieth day of February, annually, to the assessor, or other officer duly designated therefor.

SEC. 61. The president and secretary of every

railroad company whose track or roadbed, or any part thereof, is in the city, shall, annually, between the first of January and the twentieth day of February, return to the assessor, under their oaths, the total length of said road in this city, the total length of their double track in this city, the length of all their side tracks, the number and value, each, of all their locomotives, engines, passengers, freight, platform, gravel, construction, hand and other cars in this city; the value of their moneys and credits; the total value of their entire road, appurtenances and equipments in the city. The president and secretary of every railroad company which has a terminus or depot in the City of Charleston shall annually, between the first day of January and the twentieth day of February, return to the assessor, under their oaths, the number and value each of all locomotives, engines, passenger, freight, platform, gravel, construction, hand and other cars in the city; the value of their moneys and credits, and the total value of the appurtenances and equipments of the road in the city; whether the said cars and equipment be on their own or on the track or in the premises of other roads.

SEC. 62. The return and oath required herein of officers of railroad companies shall be made in such form as prescribed by the Assessor.

SEC. 63. If any railroad, its appurtenances, equipments, etc., shall be in the hands of a receiver, or other officer, such receiver or other officer shall make the returns required herein.

SEC. 64. The Assessor, or any person appointed by him for that purpose, may put any question, in writing, he may deem proper, to any officer, agent, or receiver of any railroad company, having any portion of its stock in this City; and he may summon any officer, receiver, or agent of such company to appear before him and testify, under oath, (which

Ib., § 11.
Nov. 24, 1896.
Returns of
Railroad Compa-
nies.

Ib., § 12.
Form of re-
turns.

Ib., § 13.
Returns to be
made by Receiv-
ers.

Ib., § 14.
Powers of As-
sessor in refer-
ence to railroads.

oath said Assessor is authorized to administer,) touching such railroad company's property, and the management and disposition thereof; and he may, by himself, or some person appointed by him, examine the books and papers of such company, in the hands of the company, or any of its officers, agents or receivers; and all such officers, agents, and receivers shall answer, under oath, all such questions as shall be put to them, or either of them, by said Assessor, or any person appointed by him for that purpose, relative to the condition, amount, and value of said company's property, and the management or disposition thereof; and if any such officer, receiver, or agent shall refuse or neglect to appear before said Assessor, or the person appointed by him, or to answer any question put to him, or them, as aforesaid, or submit the books and papers aforesaid for examination, in manner aforesaid, he shall be subject to a penalty of five hundred dollars and costs of prosecution. If any person shall refuse or neglect to make out and deliver to the Assessor a statement of personal property as provided by this Ordinance, or shall refuse or neglect to take and subscribe an oath, as to the truth of such statement, or any part thereof; or in case of the sickness or absence of such person, the Assessor shall proceed to ascertain, as near as may be, and make up and return a statement of the personal property, and the value thereof, with which such person shall be charged for taxation, according to the provisions of this Ordinance; and to enable such Assessor to make up such statement, he is authorized to examine any person or persons, under oath, and to ascertain, from general reputation and his own knowledge of facts, the character and value of the personal property of the person thus absent or sick, or refusing or neglecting to list or swear.

Penalty.

Assessor to ascertain and return personal property of persons sick, absent, or who neglect or refuse to make return.

Assessor authorized to examine persons under oath.

Ib., § 17.

Form of returns.

SEC. 65. All returns required by this Ordinance

shall be made in such form as the Assessor shall prescribe, and the Assessor is authorized to summon before him any person or persons, and require answers, under oath, to any questions relative to the property and affairs of any person, firm, company, or corporation, which oath he may administer; and if any person or persons shall refuse or neglect to appear before said Assessor, or to answer any questions put to him or them, as aforesaid, he or they shall be subject to a penalty of fifty dollars; and if he or they shall answer any question, as aforesaid, falsely, he or they so answering, shall be subject to a like penalty of fifty dollars.

Assessor a u-
thorized to sum-
mon persons, re-
quire answers,
and administer
oaths.

*Penalty for re-
fusal or neglect
to appear and
answer.*

SEC. 66. Each agent in this city of any insurance company, organized under the laws of any other State or country, and doing business in this city, or of any individual insurer or underwriter of insurance, or firm or joint stock company of insurers or underwriters of insurance residing without the State and doing business in this City shall annually, in the month of January, or before the 20th day of February, return to the Assessor a sworn statement of the gross business of such agency in this City for the year ending on the first day of the said month of January, including all notes, accounts and other things received or agreed upon as compensation for insurance effected, renewed or continued in this City, together with all the value of any personal property of said company, individual, firm or joint stock company, of insurers or underwriters of insurance, situated at said agency, and the said company, individual, firm or joint stock company shall be charged with taxes at the place of said agency on the amount so returned, and the agent shall also be personally responsible for such taxes and may retain in his hands a sufficient amount of the assets of his principal or principals to pay the same, unless the said taxes shall be paid by the said principal or principals.

Mar. 13, 1894.
Nov. 24, 1896.

*Agents to make
statements and
pay taxes.*

Feb. 13, 1870, § 19.

Property owned by insurance companies of this City in other States not returnable.

SEC. 67. Any company or corporation, organized in this City, and owning property in any other State or country, as well as in this City, shall not be required to return its said property for taxation in this City, but shall return such property as it owns in this City, and such proportion of the value of its other property as if owned by individual residents of this City would be taxable in this City; and if such return be made by such company, the shareholders therein shall not be required to return their shares for taxation.

Ib., § 20.

Corporations owning no property.

SEC. 68. A corporation, organized under the laws of this State, and located in this City, but owning no property in this City, shall not be required to return its capital for taxation in this City.

Ib., § 21.

Insurance companies organized under laws of this State.

SEC. 69. Every insurance company, organized under the laws of this State, and located in this City, shall return all its personal property, moneys, credits, (including notes taken on subscriptions of stock,) investments in bonds, stocks, securities, and assets of every kind, for taxation.

Ib., § 22.

Companies, whether organized under laws of this State or not, liable to taxation.

SEC. 70. All companies and corporations, whether organized under the laws of this State or not, the manner of listing whose personal property is not otherwise specifically provided for by law, shall list for taxation all their personal property and effects at the same time, in the same manner, and in the same localities as individuals are required to list similar property and effects, for taxation.

Ib., § 23.

Bank stocks.

SEC. 71. All shares of the stockholders in any bank or banking association, located in this City, whether now or hereafter incorporated or organized under the laws of this State, or of the United States, shall be listed at their true value in money, and taxed.

Ib., § 24.

Banks to keep lists of stockholders.

SEC. 72. There shall, at all times, be kept in the office where the business of such bank or banking association is transacted, a full and correct list of the

names and residences of the stockholders therein, and the number of shares held by each, which shall, at all times, during business hours, be open to the inspection of all officers, who are, or may be, authorized to list or assess the value of such shares for taxation.

SEC. 73. It shall be the duty of the president and cashier of every such bank or banking association between the 1st day of January and the 20th day of February, annually, to make out and return, under oath, to the Assessor, a full statement of the names and residences of the stockholders therein, with the number of shares held by each, and the actual value in money of such shares, together with a description of the real estate owned by said bank.

SEC. 74. The Assessor, upon receiving the return provided in the foregoing section of this Ordinance, shall deduct from the actual total value of the shares in any such bank or banking association, the appraised value of real estate owned by such bank or banking association, as the same stands on his books, and the remainder of the total value shall be entered on his books in the names of the owners thereof, in amounts proportioned to the number of shares owned by each, as returned on said sworn statement, and be charged with taxes at the same rate as charged upon the value of other personal property.

SEC. 75. Any taxes assessed on any such shares of stock or the value thereof, in manner aforesaid, shall be and remain a lien on such shares from the 1st day of January in each year until such taxes are paid, and in case of the non-payment of such taxes at the time required by law by any shareholder, and after notice received of the City Treasurer of the non-payment of such taxes, it shall be unlawful for the cashier or other officer of such bank or banking association to transfer or permit to be transferred the whole or any portion of said stock until the

Ib., § 25.
Nov. 24, 1896.
President and
Cashier of banks
to make returns.

Ib., § 26.
Assessor to de-
duct from total
value of shares,
appraised value of
real estate owned
by bank.

Ib., § 27.
Nov. 24, 1896.
Tax to remain
lien on shares
until paid.

delinquent taxes thereon, together with the costs and penalties shall have been paid in full, and no dividend shall be paid on any stock so delinquent so long as such taxes, penalties and costs or any part thereof remain due or unpaid.

Ib., § 28.

Bank may pay taxes assessed on shares.

SEC. 76. It shall be lawful for any such bank or banking association to pay to the City Treasurer the taxes that may be assessed on its shares, as aforesaid, in the hands of its share-holders respectively, and deduct the same from any dividends that may be due, or may thereafter become due, on any such shares, or deduct the same from any funds in its possession belonging to any share-holder, as aforesaid..

Ib., § 29.

Assessor to examine books, officers of banks, etc., on failure to furnish statement required.

SEC. 77. If any bank or banking association shall fail to make out and furnish to the Assessor the statement required by the seventy-third section of this Ordinance within the time required therein, it shall be the duty of said Assessor to examine the books of said bank or banking association, also to examine any officer or agent thereof, under oath, together with such other persons as he may deem proper, and make out the statement required by said seventy-third section, and enter the value of said shares in his books; any bank officer failing to make out and furnish to the Assessor the statement, or wilfully making a false statement, as required in the seventy-third section of this Ordinance, shall be liable to a penalty of one hundred dollars, together with all costs and other expenses incurred by the Assessor or other proper officer in obtaining such statement aforesaid.

Penalty for failure to make statement, or wilfully making false statement.

Ib., § 30.
Nov. 24, 1896.

Return of unincorporated banks.

SEC. 78. All unincorporated banks and bankers shall annually, between the 1st day of January and the twentieth day of February, make out and return to the Assessor, under oath of the owner or principal officer or manager thereof, a statement setting forth:

i. The average amount of notes and bills receiv-

able, discounted or purchased in the course of business by such unincorporated bank, banker or bankers, and considered good and collectible.

2. The average amount of accounts receivable.
3. The average amount of cash and cash items in possession or in trust.
4. The average amount of all kinds of stocks, bonds or evidences of indebtedness, held as investments or in any way representing assets.
5. The average amount of real estate, at its assessed value, for taxation.
6. The average amount of all deposits made with them by other parties.
7. The average amount of all accounts payable, exclusive of current deposit accounts.
8. Average amount of Government and other securities, specifying the kind that are exempt from taxation.
9. The amount of capital paid in or employed in such banking business, together with the number of shares or proportional interest each shareholder or partner has in such association or partnership. From the aggregate sum of the first five items above enumerated the said assessor shall deduct the aggregate sum of the fifth, sixth, seventh and eighth items, and the remainder thus obtained shall be entered on the books of the assessor in the name of such bank, banker or bankers, and taxes thereon shall be assessed and paid, the same as is provided for other property as assessed and taxed in the city.

SEC. 79. The average provided for in the preceding section shall be obtained by adding together the amounts of each item above specified, owned by or standing on the books of such bank, banker or bankers on the first day of each month of the year ending the 1st day of January in the year in which the return is made, and dividing the same by the number of months in the year: *Provided*, that in

Ib., § 31.
Nov. 24, 1896.
Manner of obtaining averages.

cases where such bank, banker or bankers commenced business during the preceding year the division shall be made by the number of months elapsed after the commencement of such business: *Provided*, That all fractions of a month shall be counted as a month.

Ib., § 32.

"Banks" and
"bankers" defin-
ed.

SEC. 80. Every company, association, or person not incorporated under any law of this State, or of the United States, for banking purposes, who shall keep an office or other place of business, of lending money, receiving money on deposit, buying and selling bullion, bills of exchange, notes, bonds, stocks, or other evidences of indebtedness, with a view to profit, shall be a bank, banker or bankers, within the meaning of sections seventy-seven, seventy-eight and seventy-nine of this Ordinance.

Ib., § 33.

Non - property
holders.

SEC. 81. Any person claiming not to have any property, shall, upon demand of the Assessor, make oath to the fact that he has no property, and if he refuse to make such oath, he shall be subject to a penalty of fifty dollars and cost of prosecution.

Ib., § 34.

Assessor to
prescribe form of
return and oath.

SEC. 82. The Assessor shall prescribe the forms of all returns of taxation, and of the oaths that shall be made thereto, and cause a sufficient number thereof to be printed and distributed; and any return made in any way materially varying therefrom shall not be regarded as a return.

Ib., § 35.

Penalty for
failure to list and
non-payment of
taxes in any one
year.

SEC. 83. If any person shall fail to list the personal property he is required by law to list in any one year, and the same escapes taxation for that year, the value thereof shall be charged against him for taxation in any subsequent year, with fifty per cent. penalty added thereto, and the taxes and penalty collected, as in other cases.

Ib., § 36.
Jan. 18, 1871, §2.

Property to be
taxed according
to its selling val-
ue in money.

SEC. 84. All real and personal property shall be valued for taxation at its true value in money, which, in all cases not otherwise specially provided for in this Ordinance, shall be held to be the usual selling

price of similar property at the place where the return is to be made; and if there be no usual selling price, then at what is honestly believed could be obtained for the same at a fair sale, at the place aforesaid.

SEC. 85. The following articles of personal property shall be valued for taxation, as follows, to wit: Money, bank bills, and other bills lawfully circulating as money, at the par value thereof; credits, at the amount payable on the face of the contract, instrument, or account, unless the principal be payable at a future time without interest, then at the sum payable less the lawful interest thereon for any term of credit not exceeding one year; contracts for the delivery of specific articles, at the usual selling price of such articles at the time of last listing. When the fee of the soil in any tract or lot of land is in one person, and the right to any minerals therein, or structures thereon in another, the proceeds of the minerals and said structures shall be valued and taxed as personal property to the owners thereof, respectively.

SEC. 86. It shall be the duty of the Assessor to state in the column of remarks, opposite each taxpayer's name, in the return made by him, any amount which he believes ought to be added to the valuation of the property listed by such taxpayer, his agent, or other person. It shall also be his duty, at any time, if he ascertain that any personal property has not been listed, to list the same, with the valuation thereof as fixed by the owner or himself, and the name of the owner or person to whom it is taxable, and he shall charge the same on his books for taxation, adding fifty per cent. to the value as returned, as penalty.

SEC. 87. The Assessor shall add to or deduct from the value of the property such per centum as may be ordered by the City Council, on his books, distributing the same pro rata to each owner, and

Feb. 13, 1870, § 37.
Personal property taxable.

Ib., § 38.
Assessor authorized to add to valuation of property returned.

Authorized to list property not listed.

Penalty to be added.

Ib., § 39.
Nov. 24, 1896.
Mar. 9, 1897.

Assessor to add to or deduct from the value of property such sums as may be ordered by City Council.

shall add to or deduct from the valuation of the personal property of individuals, companies, or corporations, such sum or sums as may be ordered by said City Council. Upon this valuation of property the Assessor shall on or before the thirty-first day of March levy the rate per centum of tax authorized by ordinance to be raised thereon for city purposes.

Ib., § 40.

Assessor to determine the sums to be levied upon each piece of property.

SEC. 88. The Assessor, after receiving from the authorities legally empowered to determine the rates or amount of taxes to be levied for the various purposes authorized by law, statements of the rates and sums to be levied for the current year, shall forthwith proceed to determine the sums to be levied upon each tract and lot of real property, money, and credit, listed in the City in the name of each company, person, or corporation, which shall be assessed equally on all real and personal property subject to such taxes; and in all cases where the whole amount of taxes upon the personal property, moneys, and credits of any person shall not amount to ten cents, the Assessor shall not enter the same upon his books, if such person has no other taxable property.

Ib., § 41.

Fractional assessments.

SEC. 89. The Assessor shall not be required to assess on taxable property for any purpose, any rate of taxation containing or resulting in any fraction other than a decimal fraction, nor in any fraction less than one-twentieth of a mill; but if the sum required to be raised for any or all purposes result in a fraction less than one-twentieth of a mill, such fraction shall be dropped; and if more than one-twentieth and less than one-tenth of a mill, the Assessor shall add enough to make it one-tenth of a mill, and levy the same accordingly.

Ib., § 42.

Assessor to enter taxes on books.

SEC. 90. The Assessor shall enter the taxes on the books to be retained in his own office in such number of columns as shall from time to time be convenient. He shall enter the taxes against each parcel of real and personal property on one or more lines opposite the name of the owner or owners.

SEC. 91. When the taxes, assessments, and penalties charged against any parcel or lot of real or personal property shall not be paid on or before the day prescribed by Ordinance, a penalty of ten per cent. thereon shall be added by the City Treasurer; and if the said taxes and penalty shall not be paid within thirty days next thereafter, or collected by distress or otherwise, the penalty and said taxes shall be treated as the delinquent taxes on such real or personal property, to be collected in the manner that is or may be prescribed by law; and if the amount of such delinquent taxes, assessments, and penalties shall not be paid within thirty days next thereafter, the delinquent taxes, assessments, and penalties of the current year shall be due and collected by the sale of such real or personal estate in the manner that is or may be required by law.

SEC. 92. If the Assessor shall suspect or be informed that any person or persons, corporation or company has evaded making a return, or made a false return of his, her or their personal property for taxation, or has or have not made a full return, or that the valuation returned is less than it should have been, according to the rules prescribed by this Ordinance, it shall be his duty, at any time before the settlement with the Treasurer for the year, to notify such party to appear before him at his office, at a time fixed in said notice, together with such other person or persons as the Assessor may desire to examine, and the party together with any witness called, shall be examined by said Assessor under oath (which oath said Assessor is authorized to administer,) touching the personal property and the value thereof, of such party, and everything which may tend to evince the true amount such party should have returned for taxation.

SEC. 93. The Assessor shall, annually, on or before the tenth day of April, make out and deliver

Ib., § 43.

Penalty for non-payment of taxes in time prescribed.

Ib., § 44.

Assessor authorized to summon and examine parties evading or making false returns.

Parties to be examined under oath.

Ib., § 45.

Assessor to furnish annual abstract to the Treasurer.

to the City Treasurer complete returns, which shall state the aggregate value of taxable property in the City and the total amount of taxes assessed thereon.

Ib., § 46.

Assessor to make annual settlement with Treasurer.

SEC. 94. The Assessor shall attend at his office on or before the first Tuesday in January annually, to make settlement with the City Treasurer, and ascertain the amount of taxes, penalties and assessments, collected by such Treasurer, and the amount with which such Treasurer is to stand charged on account thereof; and the Assessor shall take from his property return, previously put in the hands of said Treasurer for collection, a list of all such taxes, assessments and penalties as such Treasurer and the City Sheriff, have been unable to collect thereon, as the report of said City Treasurer and said City Sheriff, approved by the Ways and Means Committee, shall set forth, describing the property as described in the return, and shall note thereon in a marginal column, the several reasons assigned by said Treasurer and said Sheriff why such taxes or other charges could not be collected, which list shall be denominated a delinquent list, and which shall be signed and sworn to by said Treasurer and said Sheriff as to their respective reports, before said Assessor; and said Assessor shall record the same in a book to be provided for that purpose, and transmit an abstract thereof to the City Council; and after deducting the amount of taxes, assessments and penalties, so returned delinquent, said Treasurer and said Sheriff shall respectively be held liable for the balance, in their respective hands, of the taxes, assessments and penalties charged on the property returned: *Provided*, however, that only the following causes shall be assigned by the said Treasurer and said Sheriff on said delinquent list for not collecting any tax penalty or assessment, to-wit:

Causes for non-collection of taxes.

1. That sufficient personal property of the party

charged could not be found out of which to make the same.

2. That property was found but could not be sold for want of bidders.

3. That such taxes, assessments, or penalties were enjoined by a competent court: *Provided*, further, That upon all delinquencies duly certified to the City Sheriff, said Sheriff's return to the City Treasurer of any one of said causes, shall, for the purpose of this settlement, be received as the return of the City Treasurer.

SEC. 95. All taxes shall be payable at such time or times as the City Council, by Ordinance, shall direct, and the City Treasurer shall collect the same in the manner required by law, and give receipts therefor to the several parties paying the same.

Ib., § 47.
Council to fix
time for payment
of taxes.

SEC. 96. That immediately upon the expiration of the time allowed by law for the payment of taxes in any year on either real or personal property, or both, the City Treasurer shall, and is hereby authorized and directed to issue in the name of the City Council of Charleston, a warrant or execution against such defaulting taxpayer, signed by him in his official capacity, directed to the City Sheriff, or his lawful deputy, requiring and commanding him to levy the same by distress and sale of so much of the defaulting taxpayer's estate, real or personal, or both, as may be sufficient to satisfy the taxes, municipal and school, with the penalties thereon, of such defaulters, specifying therein the aggregate amount of said taxes and penalties, which warrant or execution shall run substantially in these words, (filling the blanks to suit each case,) viz.:

Aug. 13, 1895.
Proceedings
against delin-
quent lands and
land owners.

Warrant or ex-
ecution to be is-
sued.

THE STATE OF SOUTH CAROLINA,

CITY OF CHARLESTON,
—City Treasurer.—

To —— Esq., Sheriff of the City of Charles-
ton, or to his lawful deputy: Whereas —— has

Form of war-
rant.

been duly assessed the sum of _____ dollars for defraying the charges of the City for the year _____, as follows, to wit:

For the city \$____, for the public schools \$____, which _____ has neglected to pay before the days prescribed by ordinances, whereby penalties aggregating \$____ pursuant to said ordinances have been added in consequence of said non-payment: These are, therefore, strictly to charge and command you to levy by distress and sale of the personal property, and if sufficient personal property cannot be found, then by distress and sale of the land of the said _____, the sum of _____ dollars, together with _____ dollars, the charges thereon; and for so doing this shall be your sufficient warrant.

Given under my hand and the seal of the City Corporation, Charleston, this _____ day of _____, A. D. _____

City Treasurer.

Sheriff's fees.

And the Sheriff shall take from such defaulter the fees in the execution of his office now allowed by law.

**Ibid.
Sheriff to seize
property.**

SEC. 97. That under and by virtue of said warrant or execution the Sheriff shall seize and take exclusive possession of so much of the defaulting taxpayer's estate, real or personal, or both, as may be necessary to raise a sum of money equal to the sum of money named in the said warrant, and said charges thereon, and after due advertisement, stating when and where such property will be sold, if the taxes, assessments, and penalties, including school taxes so assessed against said defaulting taxpayer, together with the costs of the proceedings, shall not be paid before the day appointed for such sale, sell the same at said time and place so advertised, for cash, make title therefor to the purchaser complying with the terms of sale and annex to said

Advertisement.

**To sell same
and make title
to purchaser.**

title a duplicate warrant or execution, which the Treasurer is hereby required to furnish him with for that purpose, with endorsement thereon of his action thereunder, put the purchaser in possession of the property sold and conveyed, and after deducting from the proceeds of sale the whole amount of taxes and charges, to pay over the excess, if any there be, to the defaulting taxpayer, and the taxes so collected shall be paid to the City Treasurer.

Purchaser to be put in possession.

And in case there be no bid equal in amount to the taxes named in said warrant or execution, in addition to any taxes due to the State and County on said property, the City Assessor shall buy the land for the City Council of Charleston, as the actual purchasers thereof, for the amount of said taxes and penalties, costs and charges and the Sheriff shall thereupon execute titles to the said City Council of Charleston, as to any other purchaser, and in the manner above provided, and shall put them or their authorized agents in possession of the premises.

In case no bid Assessor to buy the land for city.

The land so sold and purchased and delivered to the said City Council of Charleston shall be treated by them as assets of the City in their charge and be sold at such times and in such manner as by them shall be deemed most advantageous to the City. In all cases of sale the Sheriff's deed of conveyance, whether executed to a private person, a corporation, or to the City Council of Charleston, shall be held and taken as *prima facie* evidence of a good title in the holder, and that all proceedings have been regular, and all requirements of the law have been duly and fully complied with. No action for the recovery of said land sold by the Sheriff under the provisions of this section, or for the recovery of the possession thereof, shall be maintained unless brought within two years from date of said sale.

Sheriff to execute title and put city in possession of property.

SEC. 98. The collection and enforcement of taxes for municipal purposes on real and personal prop-

Sheriff's deed to be *prima facie* evidence of good title.

Actions for recovery of the land must be brought within two years.

Ibid.

Mar. 13, 1900.
How defaulting taxpayer may have sale suspended.

erty within the City of Charleston shall not be stayed or prevented by an injunction, writ or order issued by any court or judge thereof.

In any and all cases in which such municipal taxes shall be charged against any person upon the books of the City Treasurer, and he shall claim payment of such taxes or shall take any steps or proceedings to collect the same, such person, if he conceive the same to be unjust or illegal for any cause, shall pay the said taxes notwithstanding, under protest in such funds and moneys as the said Treasurer shall be authorized by law to receive. Upon such payment the Treasurer shall pay the taxes so collected into the City Treasury, giving notice at the time to the Committee on Ways and Means that the payment was made under protest. The person so paying said taxes may at any time within thirty days after making such payment, but not afterwards, bring an action against the City Council of Charleston for the recovery thereof in the Court of Common Pleas for the county in which such taxes are payable. If it be determined in such action that such taxes were wrongfully or illegally collected, for any reason owing to the merits, then the court before whom the case is tried shall certify of record that the same were wrongfully collected, and ought to be refunded; and thereupon the Treasurer of the City of Charleston shall refund the taxes so paid, which shall be paid in preference to other claims against the Treasurer.

Ibid.

Committee of
Ways & Means
to hear petitions.

SEC. 99. That the Committee of Ways and Means of the City Council be, and is hereby, authorized to hear and determine, upon satisfactory proof, the petition of any taxpayer praying relief on the ground that all taxes due upon the property have been paid, or that portions of such taxes have been paid and an offer to pay the balance, accompanied by the sum admitted to be owing; and the said Com-

mittee of Ways and Means shall grant such relief in the premises as may be just: *Provided, however,* that the said Committee of Ways and Means be authorized in such cases, and to such extent as they may deem most advantageous to the City, to bring an action in the name of the City Council of Charleston as for debt against the former owners, or any person or persons having any legal or equitable interest in said lands, for the recovery of the full amount of all taxes, costs and penalties on said property advanced and paid by the City to the State, and also for the taxes, penalties and costs accrued to the City on the said property. Any judgments obtained in such actions shall have a lien paramount to all other liens except the lien for taxes due to the State and County, upon the lands respectively upon which such taxes, penalties and costs have accrued, and the same shall be sold under execution by the Sheriff in due course of law, and the proceeds of any such sale shall be applied first to the payment of the taxes, costs and penalties due or advanced and paid to the State as aforesaid, next to the City and School taxes, penalties and costs on the said property, next to the payment of the taxed costs in the suit and expenses of sale, and the surplus, if any there be, shall be paid over to the former owners, or parties in interest as their interest may appear.

SEC. 100. The City Treasurer, immediately upon the receipt of the property return for the year from the Assessor, shall cause a notice to be inserted three times in a daily newspaper, stating the total rate per centum of levies for City purposes, and the time on or before which the same must be paid.

SEC. 101. All personal property subject to taxation shall be liable to distress and sale for the payment of taxes and assessments; and at any time after any taxes or assessments shall become due and unpaid according to law, the City Sheriff, by himself

Proviso.

Action may be brought against former owners.

Judgments therein to be a paramount lien.

Feb. 13, 1870.

Treasurer to publish rate of tax levied and time of payment.

Ib., § 50.

Personal property liable to distress and sale for payment of taxes.

or deputy, may distrain sufficient personal property of the party against whom such taxes or assessments are charged, if the same can be found in the City, to pay the taxes or assessments so due, with any penalty charged or chargeable thereon, and costs that may accrue, and shall immediately advertise the same in one or more daily newspapers, stating when and where such property will be sold; and if the taxes, assessments, and penalties for which such property was distrained, together with the costs of the proceedings, shall not be paid before the day appointed for such sale (which shall not be less than five nor more than ten days after such notice of sale,) such City Sheriff or his deputy shall proceed, at the time and place mentioned in such notice, to sell such property, or so much thereof as may be necessary, at the public vendue, to the highest bidder; and if such property or a sufficient amount thereof shall not be sold at the time and place aforesaid, such Sheriff shall retain the same in his possession and advertise and offer the same for sale, in the manner aforesaid, from time to time until the same shall be sold.

Ib., § 51.

City Sheriff authorized to distrain and recover by law taxes and penalties on property for the non-payment of taxes.

SEC. 102. If any tax shall be unpaid at the time fixed for the payment thereof by Ordinance, or returned delinquent, as authorized by Ordinance, the City Sheriff may not only distrain property for the payment thereof, as hereinbefore provided, but may recover the same with the penalties thereon, by action at law, proceedings in attachment, or other means authorized by law to be used by private individuals in the collection of debts; which action or other proceedings shall be prosecuted in the name of the City Council; and if he should die or go out of office before the termination of such action or proceeding, or the final collection of the money or any order or judgment thereon, his successor or successors may from time to time prosecute such action.

SEC. 103. All taxes,, assessments and penalties legally assessed, shall be considered and held as a debt payable to the City by the parties against whom the same shall be charged, and such taxes, assessments and penalties shall be a lien against the estates of all deceased persons; against the estates of bankrupts and insolvents; against all property held in trust; against all property held on chattel mortgage, or in pledge; against all personal property sold for the purpose of avoiding the payment of taxes; against all personal property held by parties in fraud of creditors; against all stocks of goods; implements, machinery and tools of merchants and manufacturers, or against purchasers of the whole of such stocks upon which the taxes have not been paid; and such taxes shall be paid out of the assets of any estate of deceased person, or held in trust as assignee or trustee, as aforesaid; or proceeds of any property held on execution or attachment; and the City Sheriff may proceed, by action at law, against the parties holding property otherwise as above mentioned; or, if he can obtain the possession of the property, he may distrain and sell the same, precisely as if the same had not been sold, mortgaged or pledged as above mentioned.

SEC. 104. That all taxes imposed' by the City Council shall be, for the term of two years from the date of the levy of the tax, a lien paramount to all other liens, except taxes imposed by the State, which now exist or may hereafter attach to any real property, in reference to which the said taxes are levied. That the City Treasurer shall prepare and keep a book in his office, open to the inspection of the public, in which shall be recorded the amount of the taxes claimed against each piece of property, an accurate description of the property, and the name of the owner. That the City Treasurer shall give, upon application therefor, a certificate of such taxes

Ib., § 52.

Taxes, assessments, and penalties to be held and charged as debts due the City.

Taxes held to be a lien on property.

City Sheriff authorized to proceed against parties and sell property.

Taxes a lien for two years.

That City Treasurer shall keep a book in which such liens shall be recorded.

as may be due by any person, for which he shall be entitled to a fee of twenty-five cents for each name.

Apl. 12, 1881, § 1.
Dec., 1901.

Transient auctioneers to pay tax on goods sold.

SEC. 105. That from and after the passage of this ordinance all persons not known as permanent residents applying to the City Assessor for auctioneer's license shall, in addition to the amount of license, be compelled to deposit an amount equivalent to the tax on estimated business for the month, and that they be compelled to make their returns and pay the amount of tax as required by ordinance monthly, it being understood that all such persons shall have the option of substituting good and responsible sureties, acceptable to the Treasurer and Committee of Ways and Means, in lieu of the money deposit herein named.

Ib., § 2.

Auctioneers to pay tax on goods sold.

SEC. 106. That in the event of any person or persons bringing stocks of goods, wares or merchandise to the City for sale by auction or otherwise, engaging the services of a regularly licensed auctioneer for the purpose of auctioneering the same, said regularly licensed auctioneer shall be deemed as taking the place of such person or persons, and be bound in manner and form as prescribed in the preceding section of this Ordinance.

Ib., § 3.
Penalty.

Feb. 13, 1870, § 53.
Executors, &c., personally liable for taxes.

Authorized to retain in their hands sufficient property to meet taxes.

SEC. 107. That all violations of the provisions of the two preceding sections of this Ordinance shall be subject to such fines and penalties as are provided for in the License and Tax Ordinances of the City.

SEC. 108. All executors, administrators, guardians, trustees, receivers, officers, husbands, fathers, mothers, agents, or factors shall be personally liable for the taxes on all personal property which they are required respectively, to list for taxation by the provisions of this Ordinance, and which was in their possession at the time when the return thereof for taxation shall have been made by themselves, or the Assessor, and may retain in their hands a sufficient

amount of the property or proceeds to pay such taxes for the entire year; and the City Sheriff may collect such taxes by any and all of the means provided by this Ordinance, either of the principal or beneficiary, or the person so acting as executor, administrator, guardian, trustee, husband, father, mother, agent or factor, receiver or officer.

City Sheriff authorized to make collections.

SEC. 109. The Assessor is authorized to employ, with the approval of the Mayor, such clerks or assistants temporarily, not exceeding four, as shall be necessary to enable him to promptly perform the duties imposed by this Ordinance. The compensation of said Clerks or assistants shall not exceed three dollars per day for every day actually employed, the same to be paid out of the City Treasury, on the certificate of the Assessor, approved by the Mayor.

Ib., § 54.
Assessor authorized to employ temporary clerical assistance.

Exemption from Taxation of Certain Manufacturers.

SEC. 110. That all manufactories established within the corporate limits of the said city and doing business therein, employing ten or more hands, or having a paid up capital of ten thousand dollars or more, shall for five successive years from the time of the establishment of such manufactories be exempt from city taxation, except the taxes for school purposes: *Provided, however,* That should any manufactory, entitled under this Ordinance to such exemption from taxation, fail in business and be reorganized, or convey its plant and property to another person, firm or a new company or corporation, the exemption on said plant and property shall be continued and extended for the five years from the original establishment of said manufactory and no longer.

Feb. 25, 1896.
Certain manufactories exempt for five years.

*Accounts.*Dec. 16, 1808. §1.Accounts from
Commissioners
rendered quar-
terly.Nov. 23, 1836.
Oct. 12, 1897.
Mar. 26, 1901.
Oct. 20, 1903.Accounts to be
examined a n d
certified.All accounts to
be signed by
MayorContracts by Com-
missioners.

SEC. 111. All Boards of commissioners appointed by the City Council, and also all persons whatever, who may have accounts with the City, shall render accounts to the City Treasurer for adjustment, once in every three months.

SEC. 112. In the settlement of accounts and claims against the City, the following rules shall be observed, that is to say:

SEC. 113. All accounts against the City, founded on contracts, shall be first examined and certified by the officer or board with whom such contract was made, and shall then be submitted to the Treasurer, by whom the same shall be laid before the Committee on Accounts, to be reported by them (after examination) to Council, by whom the same shall be ordered to be paid, excepting bills (accounts) for manual labor and payment on account of duly approved contracts and in these instances the approval of the Committee in charge with the endorsement of the Mayor shall be deemed sufficient. All other accounts shall in like manner be duly rendered, examined, certified and ordered to be paid, as aforesaid. No accounts shall in any case be paid, at the treasury without being certified by the chairman of the board or officer submitting the same for payment and countersigned by the Mayor. Separate accounts shall be opened in the Treasurer's books under each head of appropriation, and no transfers shall be made from one head to another but by order of Council. No contract shall be made by any board of commissioners or any work ordered to be done exceeding five hundred dollars in amount, unless the same shall be previously submitted to Council for their approbation, with estimates of the cost thereof.

SEC. 114. That the Committee on Accounts of the City of Charleston is authorized, empowered and directed to destroy all old books and vouchers of the Treasurer's department of the City of Charleston which shall be found to be more than ten years old and in the judgment of said committee valueless.

Jan. 10, 1899.

Old books and
vouchers destroy-
ed after ten years.

Ticket Brokers.

SEC. 115. That all persons, firms or corporations engaged in the business of railroad ticket brokers, or scalpers, in the City of Charleston shall be required to take out a license for each place of business, and shall pay as a tax the sum of \$500. This license shall be good for the calendar year in which it is issued, subject to the conditions hereinafter stated, and shall not be transferable. And the following shall be printed on the face of said license, to wit:

Mar. 11, 1902.

Railroad Ticket
Brokers required
to take out a li-
cense.

This is to certify that _____ has been duly licensed as a railway ticket agency under Class No. _____, at No. _____ street, in the City of Charleston, S. C., and in that place only, for the year ending December 31, 19_____. This license is granted upon the condition that the said _____ shall comply with all the laws of the State, Ordinances of the City, and with an Ordinance entitled "An Ordinance to prevent indiscriminate scalping," and any amendments thereto, and infraction thereof will be deemed a sufficient cause for the revocation of this license.

City Treasurer.

SEC. 116. It shall be unlawful for any person engaged in the business of railroad ticket broker, or scalper, to have anyone calling out his business upon any street of the City of Charleston, in front of his place of business or elsewhere, or to solicit for the

Unlawful to
call out business
on street.

said agency on the property of any railroad within the limits of the City of Charleston. Any person violating this provision shall, upon conviction, be fined fifty dollars for each offence, and such conviction shall operate as a revocation of said license, and the said license shall become null and void and forfeited.

Not to sell altered or forged tickets.

SEC. 117. It shall be unlawful for any broker licensed under this Ordinance to sell any railroad ticket or contract for transportation of any railroad company which shall have been altered, forged or counterfeited. Anyone guilty of violating this provision shall, upon conviction, be fined fifty dollars for each violation, and such conviction shall operate as a revocation of said license, and the said license shall become null and void and forfeited.

Certificate to be given purchaser.

SEC. 118. Persons, firms, or corporations conducting said business of railroad ticket brokers or scalpers, shall be required to give a certificate to every purchaser of a ticket, stating the date upon which the said ticket was sold, starting point, and the destination of the ticket, and the amount paid for it, and it shall be signed by such broker, or some one in his office. Any person engaged in this business who shall violate this provision, upon conviction, shall be fined fifty dollars for each offense, and the failure to pay such fine shall operate as a revocation of said license, and the said license shall become null and void and forfeited.

Unlawful to sell without a license.

SEC. 119. Any person, firm or corporation engaged in the business of railroad ticket brokers, or scalpers, guilty of selling without a license as herein provided, shall, upon conviction, be fined fifty dollars for each offense, or imprisoned not exceeding thirty days.

Mar. 11, 1902.

To refund money if tickets are valueless.

SEC. 120. That all persons, firms, or corporations engaged in the business of railroad ticket brokers, or scalpers, in the City of Charleston shall be, and

they are hereby required to refund any amount which shall have been paid them for tickets, whenever the ticket or tickets so purchased are refused for passage or confiscated by any railroad company or its agent; provided such ticket or tickets, or a receipt for the same, signed by any railroad company or its agent, be furnished such broker. Any person, firm or corporation violating this section shall be fined fifty dollars for each offense, and the said license shall become null and void and forfeited.

Cancellation of Licenses.

SEC. 121. That the Mayor, City Assessor and Corporation Counsel, and their successors in office, are hereby constituted a special committee with full power to revoke and cancel all licenses heretofore or hereafter granted to certain persons, firms, companies, corporations, or associations of any kind whatsoever, who are engaged in the business of making loans and charging usurious interest therefor.

Feb. 10, 1903.

Committee to
revoke and can-
cel Licenses.

SEC. 122. That whenever complaint is made to said special committee as constituted in Section 121 hereof, that the holder of any license granted to carry on any business is charging usurious interest on loans, or that any persons, firms, company, corporation, or association is conducting a business without a license, they shall at once summon, after three days' notice, the alleged offender, to appear before them, and they shall hear the evidence submitted for and against said charge, and if said charge is sustained to the satisfaction of said special committee they are hereby authorized and empowered to forthwith cancel and revoke the license held by such offender, if he be the holder of a license. Should such offender fail to appear when summoned, action shall be taken by said special committee on the day appointed as if such offender were present.

Offender to be
summoned before
committee.

Penalty.

SEC. 123. Should such offender, after the revocation of his or their licenses, continue his or their said business without a license, or not having obtained a license shall carry on his or their business, he or they shall, upon conviction thereof, be fined fifty dollars (\$50) for each offense, or imprisoned in the county jail not exceeding thirty days, or both, and the said special committee shall forthwith report the same to the Corporation Counsel, who shall forthwith institute proceedings in the City Court against the offender, for the enforcement of the penalties and punishment herein provided.

Fixed Salaries.

Oct. 26, 1840, §12.
July 9, 1901.

Fixed Salaries.

SEC. 124. All fixed salaries of city officers shall be paid on accounts duly made out and presented to the Treasurer, to be examined and certified by him to be correct, and to be countersigned by the Mayor, and all salaries of regular employees of all boards of commissioners, which said salaries have been duly fixed by resolution of the said board, shall be paid on accounts, duly made out and presented to the Treasurer, and certified to him by the chairman of the board of commissioners, as examined and found correct, when countersigned by the Mayor, and by him ordered to be paid.

Sinking Fund.

Commissioners
of Sinking
Fund.

Aug. 23, 1881, §1.

Property pledg-
ed for payment
of bonds.

SEC. 125. That the Mayor, City Treasurer, and Chairman of the Committee of Ways and Means shall be the Commissioners of the Sinking Fund of the City of Charleston, and shall have the management of the moneys and property belonging to said fund.

SEC. 126. That the property purchased by the City of Charleston from the Commissioners of the Sinking Fund of the State of South Carolina, which had been forfeited to the State for the non-payment of taxes thereon, shall be held by the City as pledged

for the redemption of bonds issued on the faith of the City of Charleston (except the bonds commonly known as Fire Loan Bonds); and when any portion of the said property is sold or disposed of the proceeds thereof shall be applied as follows:

First. Toward the payment of the bonds and mortgages given by the City Council of Charleston to the Commissioners of the Sinking Fund of the State of South Carolina for the purchase of the said property, and the expenses of such purchase.

Second. Towards the purchase of such City bonds as may be deemed best by the Commissioners of the Sinking Fund.

SEC. 127. That all the property purchased as aforesaid shall be in charge of the Commissioners of the Sinking Fund of the City of Charleston, and shall be sold by them upon such terms and in such manner as they may deem most advantageous.

Ib., § 2.
Sales by Com-
missioners.

SEC. 128. That upon any sale being made by the Commissioners of the Sinking Fund of the City of Charleston, and upon the purchase money being paid into the Sinking Fund of the said City, the Mayor of the said City is hereby authorized to convey, in the name of the City of Charleston, the property so sold to the purchaser thereof.

Ib., § 3.
Mayor to exe-
cute titles.

CHAPTER V.

STREET DEPARTMENT.

SUPERINTENDENT OF STREETS—STREETS—CELLAR DOORS—LAMPS AND LAMP POSTS—VACANT LOTS—TREES—WHARVES—MILL PONDS—DRAINS—SEWERS—WATER WORKS—WELLS AND PUMPS—ELECTRIC WIRES AND POLES.

Dec. 18, 1879.
Feb. 28, 1893.

SEC. 129. The City Council shall, on the second Tuesday of January nineteen hundred and six and

Election of Su-
perintendent of
Streets.

May 11, 1897.

Employment of
hands and carts.

Bond.

Pay of employ-
ees.

May 27, 1868, § 1.

Duty of Super-
intendent of
streets.

Reports.

Ib., § 2.

Daily record to
be kept.

every fourth year thereafter elect an officer whose designation shall be Superintendent of Streets, and whose annual salary shall be eighteen hundred dollars, payable monthly, and who shall, before entering upon the duties of his office, execute a bond in the sum of two thousand dollars, with two sureties, or one surety company, for the faithful performance of his duties. The Superintendent of Streets shall, with the advice and consent of the Mayor and the approval of the Committee on Streets, appoint such a force of hands and carts, and at such rates of pay, as may be necessary for the work on the streets of the City. The compensation allowed to the different employees in the street department shall be paid every Saturday and the pay rolls for the same shall be made up and sworn to by the Superintendent of Streets; and upon being duly examined and approved by the Committee on Streets, shall be paid by the City Treasurer, upon the order of the Mayor.

SEC. 130. It shall be the duty of the Superintendent of Streets, to visit, as often as possible, all streets, lanes, alleys, bridges, butcher-pens, slaughter-houses, and all places that require the attention and vigilance of the City authorities, and to report to the Mayor all grievances and nuisances which may come under his observation; and likewise all defects in sewers, drains, streets, sidewalks, bridges, etc., which, in his judgment, require repairs; and to see that all employees in his department are discharging their duties faithfully; and that all streets, sidewalks, drains, gutters, etc., are kept clean, well graded, and in a sanitary condition.

SEC. 131. The Superintendent of Streets shall keep a daily record of all carts, laborers, mechanics, and other employees, and all materials used, with names of persons employed, and names of owners

of carts, and pay of the same, and cost of materials. Also, to keep a journal in which is to be entered the work going on for the day, designating the number of carts, laborers, mechanics, etc., at work, and where. And shall, likewise, keep a note or complaint book, in which shall be entered repairs needed, complaints lodged by citizens, and the reports of police respecting drains, streets, etc., out of order; and these books shall remain subject to the perusal of the Mayor and Aldermen and the City Surveyor.

SEC. 132. All bills (accounts) for materials and other expenditures in the street department shall be approved by the Committee on Streets; and no bill (account) shall be paid by the Treasurer unless it has been properly examined by the Committee on Accounts, excepting bills (accounts) for manual labor, and in that instance the approval of the Committee on Streets, with the endorsement of the Mayor, shall be deemed sufficient.

SEC. 133. It shall be the duty of the Superintendent of Streets to make a monthly report to the City Council, containing a general statement of the expenses of his department during the month, the amount expended for laborers and other employees each week, and the amount expended for material and other purposes, with such other information as they may consider desirable.

SEC. 134. The Superintendent of Streets during his term of office, shall not, directly or indirectly, save as the representative of the City, be engaged or interested in any contract or part of a contract, between the City and any person, firm, company or corporation; nor shall he, save as the representative of the City, have any connection with the subject matter of such contract; neither shall he engage in any other business which will interfere with his duties as provided by this chapter, or engage in any work for any person, firm, company or corporation.

Complaint book.

Ib., § 4

Approval and
payment of bills.

Mar. 18, 1874. § 3.

Monthly report
of Superintendent
of Streets.Mar. 27, 1868, § 5.
Mar. 13, 1894.Not to be en-
gaged in any con-
tract with city.

Mar. 3, 1837, §1.

Committee on
Streets, with the
Mayor, to establish
regulations.

Ib., § 2.

Superintendent of Streets to obey
all orders of the
Mayor or Committee on Streets.

Penalty for neglect or refusal to obey such order.

Penalty for opposing or molesting Street Committee or Superintendent of Streets.

May 27, 1868, §3.
March 8, 1892.

Repairs and improvements to be investigated by
Mayor and Committee on Streets.

Mar. 14, 1893.

Superintendent of Streets to remove all garbage, &c., from the streets.

other than the City, which he may be called upon in any way to pass upon in behalf of the City.

SEC. 135. The Committee on Streets, in conjunction with the Mayor, shall, from time to time, prescribe and establish such regulations, and adopt such measures as they may deem expedient for filling up, leveling, and keeping in proper order and condition, all the streets, lanes, and alleys of the City.

SEC. 136. The Superintendent of Streets shall obey all orders and directions he may from time to time receive from the Mayor or the said committee, appertaining to the filling up, leveling, and keeping in due order the streets, lanes, and alleys of the City. And for neglect or violation of any such order and direction, or refusal to perform any of the duties of his office, he shall be liable to be fined by the Mayor in a sum not exceeding twenty dollars, to be deducted from his salary. And any person or persons hindering, opposing, molesting, or preventing any member of the said committee or the Superintendent of Streets in the execution of any order and performance of any duty required from him under this Ordinance, shall forfeit and pay the sum of fifty dollars, or be imprisoned not exceeding thirty days in the discretion of the Court.

SEC. 137. All repairs and improvements necessary shall be first investigated by the Mayor and Committee on Streets; and if such improvements are agreed upon, and the estimated cost does not exceed one hundred dollars, then they shall cause the work to be done.

SEC. 138. The Superintendent of Streets shall be required to have the dirt, filth, garbage and all kinds of offal removed from the streets, lanes, alleys and open courts of the city; and the said dirt, filth, garbage and offal shall be deposited by him at such place or places north of Line street as may be designated by the Mayor, with the sanction of the City Council. And the said Superintendent, in addition

to the foregoing, shall be required to keep the streets, lanes, alleys and open courts at all times clean and free from filth; to keep clean and free from obstructions the gratings of the public drains and the gutters along the sidewalks, and shall also sweep daily the stone crossings therein; and as often and at such times as Mayor or Committee on Streets may deem necessary, he shall have the paved streets, lanes, alleys and open courts raked, and remove and deposit the sweepings, scrapings and rakings therefrom at such place or places north of Line street as the Mayor shall, from time to time, designate; *Provided*, however, that the Mayor be and is hereby authorized, between the first day of November and the first day of May in every year, when, in his judgment, it appears for the public good, and after obtaining the consent of the Board of Health, to direct that such sweepings, scrapings and rakings, including tree trimmings and garden cleanings, or other collections from the streets, free from animal or other offensive matter, shall be used in the filling of any street extensions or city low lands; such deposits to be promptly and effectually covered with clean earth or sand.

To keep the
streets clean.

Streets.

SEC. 139. All dirt and rubbish thrown out of any lot, or deposited in any public street or open square, shall belong to the city, and it shall not be lawful for any person to take away or demand, or appropriate the same to his own use, unless by the special permission or direction of the Mayor; and if any person shall be guilty of any such offence or shall remove dirt from or in any way injure any public street or open square, he or she shall be liable to a penalty of twenty dollars, or be subject to imprisonment not exceeding ten days: *Provided*, That nothing herein contained shall be construed to apply to the dirt or rubbish connected

Nov. 29, 1886.

All dirt and
rubbish thrown
in the streets the
property of the
City.

Proviso.

with the erection of any building, which shall remain subject to the existing regulations on that subject.

Rubbish, etc.,
to be removed
from premises to
street by owner.

SEC. 140. It shall be the duty of all persons and corporations, including railroad companies, mills, wharves, manufactories, repair shops, builders, contractors and individuals doing mechanical work, to remove from their premises and the streets adjoining all dirt, rubbish, and all trees they may have trimmed or cut, and dirt out of the railway tracks, waste and surplus material, at their own expense, and on failure so to do, after notice by the Superintendent of Streets, such dirt, rubbish, waste and surplus material shall be removed by the city at the expense of the offending parties, and such persons, firms or corporations so offending shall be subject to a fine not exceeding twenty-five dollars, or imprisonment not exceeding ten days.

Nov. 20, 1806,
§ 4 amended.

No steps to
advance into any
street.

Penalty.

SEC. 141. No person or persons whomsoever shall advance the steps of any house or building into any street, nor shall any person or persons make or erect or cause to suffer to be made or erected, in the front of any street, lane, alley or open court, any fixture, annexation or projection whatever extending or to extend beyond the foundation of the house or building, or beyond the extremity of the lot to which it is to be attached, (signboards, awnings made of cloth, and balconies excepted), under a penalty of ten dollars for each and every such offence, or imprisonment not exceeding ten days, and for each and every day while any such offence shall or may continue; besides which, all such steps, fixtures, annexations or projections, of whatever description the same may be, as shall be made or put up contrary to the provisions herein contained, shall be removable at the expense of the offending party or parties.

SEC. 142. The Committee on Streets, in conjunc-

tion with the Mayor, shall have power and authority to order and direct the manner of building, altering and repairing the sidewalks, and to order and determine of what height and width the same shall be, and of what materials the walks shall be composed; with power to alter and improve those already made in such way and manner as they think the public convenience requires.

SEC. 143. No person or persons whomsoever shall suffer any fire-wood, coals, goods, wares, merchandise, carriages of any description, or any other matter or thing, to him, her, or them belonging or consigned, to lay or stand for a longer space than four hours in any street, lane, alley or public thoroughfare, within the city, under a penalty of two dollars, with costs, for every hour that such article or thing shall so lay or stand, beyond the above mentioned time, after notice, or imprisonment not exceeding five days; excepting materials for buildings, in regard to which the following regulation shall be observed, namely: When any person or persons shall erect or repair any house or other building upon any street, lane, alley or open court, within the city, he, she, or they shall make application to the Committee on Streets for the use of so much of the street or public way as shall not exceed the front of the lot on which such building is to be erected, nor extend more than six feet into the street; which space such person or persons shall forthwith enclose, with a sufficient fence, at least six feet high, in order to deposit within the same the requisite materials for building and repairing; and such fence, together with the remaining materials, he, she or they shall remove as soon as the work be finished, or whenever the Committee on Streets shall require it; and failure to comply with these requirements shall subject such person to a fine not exceeding two dollars, or imprisonment

Feb. 1, 1876, §§
1, 2, 3.

Committee on
Streets and Mayor
to direct manner
of building
sidewalks, &c.

Ib., § 7.

Fire-wood,
coals, goods, etc.,
not permitted to
remain in the
streets longer
than four hours.

Penalty.

not exceeding five days; and on pain, also, of having the same removed at his, her or their expense by the city.

Nov. 20, 1806, §8.
Encroachment
upon the streets
to be removed.

SEC. 144. All encroachments upon any street, lane, alley or open court and all obstructions in the way of foot passengers, not contemplated in the foregoing sections, shall be removed by the Superintendent of Streets, whenever ordered by the Committee on Streets; and if it be attended with any expense or expenses the same shall be defrayed by the person or persons so encroaching upon any street, lane or open court, or so obstructing any footway. And any person or persons hindering or preventing the Superintendent of Streets in the execution of any such duty shall be liable to a penalty of fifty dollars, or imprisonment not exceeding fifteen days.

Penalty.

Jan. 13, 1882.

Unlawful to
throw any glass,
&c., in the
streets.

SEC. 145. That if any person shall deposit any glass bottles, broken glass, slate, tiles, bricks or other debris in any roadway, or on any sidewalk in the limits of the city of Charleston, he or she shall pay for each offence the sum of five dollars, or be liable to imprisonment not exceeding five days: *Provided*, however, that nothing herein contained shall apply to such things as may be deposited in piles near the edge of the sidewalk for removal, as now provided by law. It shall not be lawful for any butcher, green grocer or any person connected with the public market or green groceries in the city of Charleston, to throw into the streets of the city any

Unlawful to
throw refuse
meats, bones, etc.,
into street.

refuse meats, bones, heads or any portion of any dead animal, and for each and every offence the person so offending shall pay a fine of five dollars, or be liable to imprisonment not exceeding five days.

Penalty.

Fruit skins.

Penalty.

If any person shall drop or put any fruit skins upon the sidewalks of the city, he or she shall be subject to a fine of five dollars for each and every offence, or be liable to imprisonment not exceeding five days.

SEC. 146. There shall be laid down by the owner or occupant of each lot in the city, having an entrance for carriages, wagons, carts or drays, a platform of wood or stone, extending not more than four feet from the curb stone, towards the center of the street; and the owner or occupant of any such lot, not having a platform, as herein required, to protect the pavement against the entrance of carriages or other vehicles, shall be subject to a penalty of five dollars, or be liable to imprisonment not exceeding five days; and in the event that the said pavement becomes broken he shall pay, in addition to the aforesaid penalty, the costs and charges of mending the same, and also the sum of five dollars for each day the same shall remain so broken.

Aug. 13, 1851, §1.

Platform required to entrances for carriages, &c.

SEC. 147. It shall not be lawful for any corporation, copartnership, or individuals, to take up any sidewalk, or open any street, for any purpose whatever. Whenever it shall be necessary to take up or open any sidewalk or roadway within the corporate limits of the city of Charleston, an application in writing must be made to the Committee on Streets, stating the purposes for which such opening is to be made, and the length of time required to complete the proposed work; and after such application shall have been approved by the Mayor, it shall be the duty of the Committee on Streets to make the opening asked for, and, upon the completion of the work proposed to be done by such applicants, it shall be the duty of the Committee on Streets to restore the sidewalks or roadways so opened in the most thorough and workmanlike manner, keeping a careful account of the entire expense incurred for the opening and closing thereof, which shall be paid to the City Treasurer by the person or persons on whose account the work has been done, so soon as the account is correctly stated by the Committee on

July 27, 1880, §§
1, 2.
Sept. 9, 1884.

Streets not to be dug up.
Application to open streets.

Expense to be paid by person applying.

Mayor to grant permission.

Streets and approved by the Mayor: *Provided*, That the Mayor shall have authority to grant permission to companies or corporations having in their employ skilled workmen to make, under the supervision of the Superintendent of Streets, said openings, and restore the sidewalks or roadways so opened, upon giving sufficient guarantee to be approved by the Mayor, to restore the sidewalks or roadways so opened in the most thorough and workmanlike manner, and keep the same in good repair for the space of twelve months after the date of such opening.

Ib. § 3.

Committee to require security.

SEC. 148. It shall be the duty of the Committee on Streets to demand good and sufficient security for the prompt payment by the applicant for the work so required to be done, or a deposit in cash equal to the full estimated cost of such work, before they shall open any street or sidewalk.

Ib. § 4.

Penalty.

Sept. 10, 1895.

New streets to be not less than sixty feet wide.

SEC. 149. Any person, copartnership or corporation, who shall open any street, sidewalk or roadway, contrary to the provisions of this chapter, shall be subject to a penalty of not less than fifty nor more than two hundred dollars, to be recovered in any Court of competent jurisdiction. And no new street shall be opened in the City of Charleston which is not at least sixty feet in width, and which if its direction is from east to west or the reverse, is not designed to run continuously from river to river.

Streets or sidewalks not be opened without written permission of Superintendent of Streets.

SEC. 150. That no person, firm or corporation shall be allowed to dig up or disturb the surface of the earth in any street, or to take up any sidewalk, or open any street for the purpose of laying any pipe or tile, or building, erecting or constructing any drain, sewer or underground vault, or repairing same, or doing any plumbing work whatsoever on said streets, without the written permission of the Superintendent of Streets, which said writ-

ten permission shall be given by him to such persons, firms, brick masons or corporations only as are regularly licensed by the city to do and perform such work.

Any person, firm, and in the case of corporations, any officer or officers thereof, found guilty of violating this ordinance, shall be fined not more than one hundred dollars or be imprisoned not more than thirty days.

Vacant Lots.

SEC. 151. It shall be the duty of all persons owning vacant lots within the City of Charleston to have the same securely fenced, and to keep the said fences in repair. And it shall be the duty of the Committee on Streets to have fences built around all vacant lots if the owners of the said lots fail to build such fences themselves after being notified in writing, and the whole expense of building said fences shall be assessed on the owners of the lots.

Feb. 17, 1880.
Vacant lots to be fenced.

Cellar Doors.

SEC. 152. Every cellar door or cellar covering, which shall be made or constructed in the pavements or sidewalks of any street, lane or alley, shall be placed upon the same level exactly as the surface of such pavement or sidewalk, and shall be made of some good and substantial materials, fitted to rest upon sills of stone, fixed in pavement or sidewalk, where there are pavements; and where there are no pavements, then the sills of any cellar door shall be so placed as not to project above the surface of such cellar door constructed as aforesaid. And if any cellar door or covering shall be made or constructed in any manner contrary to the foregoing provisions, the persons so making or constructing the same shall be liable to a penalty of one hundred dol-

July 23, 1838, §1.
Construction of cellar doors.

Penalty.

lars, or imprisonment in jail not exceeding ten days, for every offence; and the owner or tenant of the building to which the cellar belongs, and for which such door or covering shall have been constructed or made, shall be liable to a penalty of five dollars, for every week during which such cellar door or covering shall remain contrary to the provisions herein contained.

Nov. 20, 1806, §4.

Not to extend more than four feet.

Penalty.

SEC. 153. Nor shall any person or persons make, or cause or suffer to be made, any cellar door in front of any street, lane, alley or open court, which shall extend more than four feet beyond the foundation of the house or building to which it appertains, (except where foot pavements are not four feet wide, in which case cellar doors shall not extend beyond the width of such pavement), under a penalty of ten dollars or imprisonment not exceeding five days for each and every such offence, and for each and every day while any such offence shall or may continue.

Feb. 24, 1817, §1.

Cellar doors to be repaired when necessary.

Penalty.

SEC. 154. Whenever it becomes necessary, from decay or any other cause, that a cellar door should be repaired, it shall be the duty of the Chief of Police, or Superintendent of Streets, to give immediate notice to the owner of the premises, or his agent, that unless the same be repaired without delay, the City will proceed to repair the same at the cost of the owner or owners of said premises, the amount so expended to be recovered in any court of competent jurisdiction; and, in addition thereto, a penalty of five dollars will accrue, to be collected in like manner as aforesaid, for every cellar door thus repaired by the City as aforesaid, to their use and benefit: *Provided*, Said repairs be made with the consent, and to the satisfaction of the Mayor and Committee on Streets.

Nov. 20, 1806, §6.

Cellar doors not to be kept open.

SEC. 155. No person or persons whomsoever, shall keep any cellar door or cellar doors, in front

of any street, lane, alley, or public thoroughfare, or on any foot pavement, open at night, or longer open in the day time than while the same is or are in immediate use, under a penalty of twenty dollars, for each and every such offence, and for each and every night or day, as the case may be, on which any such offence is committed: *Provided*, That no fine shall be incurred, for keeping a cellar door or cellar doors open in the day time, if the same be provided with a grading or other temporary cover, at least two feet in width, so as not to obstruct or endanger foot passengers.

Penalty.

Proviso.

Lamps and Lamp Posts.

SEC. 156. Any light company shall be authorized to lay pipes and to erect posts and lamps for the purpose of lighting the city, according to their contract with the City Council, and to such contracts as they may make with private persons agreeably to their charter; and any person or persons who shall wilfully break any lamp or part thereof, or who shall remove any lamp or lamp posts from the place where they are fixed, shall, for each and every such offence, be subject to a penalty not exceeding one hundred dollars. And if any person or persons shall take a burner or burners from any lamp or lamps, every such person shall, for each and every such offence, be subject to a penalty not exceeding one hundred dollars.

Jan. 5, 1830, §1.
May 22, 1849, §5.

Gas Light Com-
pany authorized
to lay pipes, &c.

Penalty for
breaking or re-
moving lamps or
lamp posts.

Penalty for tak-
ing burners from
lamps.

SEC. 157. It shall not be lawful for any person or persons to tie, fasten or secure any horse, mule or other animal, to any lamp post, tree or tree box, within the limits of the city, under a penalty of five dollars, or be imprisoned not more than thirty days in jail for every such offence; and any person or persons violating this section shall, in addition to the above penalty, pay to the city all dam-

Oct. 29, 1838, §1.
March 14, 1892.

Horses, &c.,
not to be tied
to lamp posts.

Penalty.

ages, not exceeding twenty dollars, which may be occasioned to any lamp post, tree or tree box, from any horse, mule or other animal which may be tied, fastened or secured to such lamp post, tree or tree box; which penalty and damages shall be recoverable in any court having jurisdiction thereof.

Trees.

Aug. 26, 1839, §1.
March 14, 1893.

Regulations for
the planting of
trees on the
streets.

Sept. 6, 1895.

Appropriation
for.

March 14, 1893.

Owners of lots
may plant trees
with approval of
Commissioners.

lb.

Penalty for de-
stroying or in-
juring trees.

SEC. 158. A Special Commission of three citizens consisting of Aldermen, or citizens other than Aldermen, or of both classes, and to be known as "The Commissioners for the planting and protecting of Shade Trees," shall be appointed by his Honor the Mayor.

There shall annually be placed at the disposal of the said Commissioners such sum or sums as may be appropriated by City Council for the purchase and planting of shade trees and for the care and attention of trees already planted, or to be planted hereafter.

All vacancies occurring among the Commissioners shall be filled by appointment of the Mayor.

SEC. 159. Any owner or lessee of any house or lot within the City may plant any tree or trees in any street, lane, alley, or open court, in front of any such house or lot at his own expense, provided that the kind or species of the tree or trees to be planted, the distances apart, and the distance from the edge of the sidewalk be first approved by the said Commissioners, who shall have the right to remove any tree or trees which may be dangerous decayed or otherwise objectionable.

SEC. 160. Any person or persons who shall wilfully break down, destroy, injure, mutilate or remove any tree or trees already planted, or hereafter to be planted, or any of the boxes which shall or may encompass them, in any street, lane, alley, or

open court within the city, shall, for each and every such offence, be subject to a penalty of twenty dollars or imprisonment not exceeding ten days; and it shall not be lawful to cut away the limbs or branches of any tree or trees already planted or hereafter to be planted for the purpose of erecting posts or suspending wires for electric light, telegraph or telephone or fire alarm service without the express permission, in writing, of said commissioners, under a penalty of twenty dollars or imprisonment in jail not exceeding thirty days for each and every violation of this section.

Wharves.

SEC. 161. It shall not be lawful, at any period between the first day of May and the first day of November, in each and every year, for any owner or owners, lessee or lessees, tenant or occupant, of any wharf or wharf lot within the city, to throw, place or carry, or cause or suffer to be thrown, placed or carried, any substance or matter of an offensive character, to or upon the side or surface of any such wharf or wharf lot; and if any owner owners, lessee or lessees, tenant or occupant of any wharf or wharf lot within the city, shall, at any time after the first day of May and before the first day of November, in each and every year, throw, place or carry, or cause or suffer to be thrown, placed or carried, any substance of matter of an offensive character, to or upon the side or surface of any wharf or wharf lot, such owner or owners, lessee or lessees, tenant or occupant herein offending shall for each and every offence be subject to a penalty not exceeding one hundred dollars, or imprisonment in jail not exceeding thirty days.

SEC. 162. It shall not be lawful for any owner or owners, lessee or lessees, tenant or occupant of

Aug. 19, 1839, §1.
Dec. 17, 1845, §1.

Unlawful to
throw any mud
from the docks
upon any wharf,
etc.

Ib., § 1.
Ib., § 2.

Unlawful for any owner to fill up any wharf or wharf lots with mud from any docks.

Penalty.

Dec. 17, 1845, §2.

Unlawful to throw fruit into the docks.

Penalty.

**Aug. 19, 1839, §3.
Dec. 17, 1845, §3.**

Fines where recovered.

Jan. 19, 1858, §1.

Smoking and carrying matches on the wharves prohibited.

Penalty.

any wharf or wharf lot, to fill in or make up any wharf or wharf lot, in whole or in part, with any substance or matter of an offensive character; and if any owner or owners, lessee or lessees of any wharf or wharf lot, shall at any time hereafter fill in or make up any wharf or wharf lot, in whole or in part, with any substance or matter of an offensive character, such owner or owners, lessee or lessees, shall for each and every offence be liable to a fine not exceeding one hundred dollars, or imprisonment not exceeding thirty days.

SEC. 163. It shall not be lawful for any person or persons to cast or throw, or to be cast or thrown, into any of the docks within the city, from on board any vessel or from any other place whatsoever, any kind of decayed fruit or vegetables; and any person or persons herein offending shall be liable to a fine not exceeding one hundred dollars for every such offence, or imprisonment not exceeding thirty days.

SEC. 164. All fines and forfeitures incurred under the three preceding sections of this Ordinance may be recovered in any court of competent jurisdiction, one-half thereof for the use of the person who shall prosecute the offender to conviction, and the remainder for the use of the City.

SEC. 165. It shall not be lawful for any person to smoke or carry any lighted cigar or pipe, or to use or carry matches commonly known as parlor matches, on any wharf of the City, or on any street leading to any wharf, to the Eastward of East Bay Street, or of Washington Street (Market Street and the Ferry Wharf, at its East End, excepted,) under a penalty of five dollars for each offence, or imprisonment in Jail not exceeding thirty days in the discretion of the Court; and one or more policemen shall be detailed to keep a daily watch on the said wharves for the more efficient enforcement of this section.

SEC. 166. The South end of Council Street is hereby established as a place of landing for persons and boats, for the use of the inhabitants of the City and of the surrounding country.

Oct. 28, 1853, §1.

South end of
Council Street
established as a
public landing.

Mill Ponds.

SEC. 167. It shall not be lawful at any time from the first day of May until the first day of December to allow the water to be drained off from any mill pond or basin wherein the water is confined by flood gates or locks within the limits of the City, so as to expose the beds thereof, except under such rules and regulations as may be provided by the Board of Health, unavoidable accidents and disasters excepted. The flood gates and locks of each and every mill pond or basin wherein the water is confined, within the limits of the City, shall be so constructed that the tide shall flow in and out of the same for the space of at least one hour at each and every flood and ebb tide, or in default of such construction that the flood gates or locks of such mill pond or basin shall be opened at least once in every twenty-four hours, for the space of one hour on the flood tide and one hour on the ebb tide. Any person or persons who shall violate any of the provisions of this section shall be liable to a fine of fifty dollars for each and every offence, and an additional penalty of ten dollars for each and every day that the violation shall continue, after due notice in writing from the Board of Health or Health Officer.

Nov. 30, 1881.

Not lawful to
drain mill ponds.

Construction of
locks.

Penalty.

Tidal Drains.

SEC. 168. City Council shall on 2nd Tuesday in January, 1907, and every four years thereafter elect a Keeper of Tidal Drains; and his duties and compensation shall be as hereinafter declared.

Dec. 11, 1866, §1.
Feb. 21, 1898.

Keeper of Tidal
Drains elected
annually.

Ib., § 2.To keep a record book.Ib., § 3.To flush drains daily.May 11, 1892.Flushing.Ib.Gates to be kept open at night.Ib.Gates to be kept open during heavy fall of rain.Dec. 11, 1866, § 7.Daily examination of sand pits.Report weekly.Ib., § 8.
Dec. 26, 1889.Examination of main and lateral drains.

SEC. 169. The Keeper of the Tidal Drains shall keep a record book, in which he shall note, in writing, everything relating to the drains; and his book shall be always accessible to the Mayor and Committee on Tidal Drains for examination.

SEC. 170. It shall be his duty to "flush" the drains daily, or as often as he may be directed so to do, from time to time, by the Committee on Tidal Drains.

SEC. 171. The "flushing" shall be done as follows, viz: In fair weather and between sunrise and sunset, if the state of the tide permits, the gates shall be closed at high water. When the tide has fallen, and before the return of the next tide, all of the gates shall be opened for the water to rush out, and the gates shall not be closed again until the following day.

SEC. 172. At night the gates shall always be kept open unless otherwise ordered by the Mayor or the Committee, and the Keeper of the Tidal Drains will be held to strict account for any violation of this section.

SEC. 173. Whenever heavy falls of rain occur the gates must be kept open to avoid overflowing or straining the drains, and to give free exit for the rainfall.

SEC. 174. He shall make regular daily examinations of the "sand-pits," removing the covers of the "man-holes" in turn, and sounding them to see what accumulation of solid matter has taken place in them, and cleaning them out as often as necessary. He shall note in the record book the condition of every pit he examines, and make written reports weekly, or as often as he may be required to do so, to the Mayor and to the Committee, of all operations of his in flushing and cleaning.

SEC. 175. He shall make careful examinations of the condition of the drains, both mains and later-

als, by passing along the whole course of them daily, or as often as the committee may require; cleaning the openings of the laterals of sand or other solid matter liable to be carried into them by rain, wind, or the wheels of passing vehicles, and feet of animals or men, and otherwise providing for their perfect preservation from all avoidable obstructions, and he shall note, in the record book, everything requiring attention, and give account of it in his reports. All connections of Private Drains with Tidal Drains, shall be made under the supervision of the Tidal Drain Keeper, and no permit shall be issued to any citizen unless the Tidal Drain Keeper be immediately notified.

SEC. 176. Each "man-hole" and corresponding "sand-pit" shall be designated in the report by numbers and so entered in the record book of the Keeper of Tidal Drains.

SEC. 177. And the better to enable him to accomplish all the work, it shall be competent for him to employ labor for cleaning out the drains, subject to the approval of the Mayor and the committee.

SEC. 178. For the faithful performance of his duties as above detailed, he shall be responsible to the Mayor, and also to the Committee on Tidal Drains; and he shall at no time draw any salary, or part thereof, without having first obtained the endorsement of the chairman of that committee as a voucher that he has faithfully performed his duty.

SEC. 179. And for these services he shall be entitled to a salary at the rate of nine hundred dollars per annum, to be paid him monthly, as above prescribed; and should he at any time, be convicted before Council of any such neglect of duty as in their judgment may justify his removal from office, the place shall be declared vacant, the salary cease to accrue, and another keeper be promptly elected by Council.

Keep drains
clear of all ob-
structions.

May 11, 1892.

Manholes and
sandpits to be
designated by
numbers in re-
port book of keep-
er.

Dec. 11, 1866, §10.

Labor.

Ib., §11.

Responsible for
faithful perform-
ance of duty.
Manner of
drawing salary.

Ib., § 12.
March 5, 1895.

Salary.

For neglect of
duty to be re-
moved.

Drains.

March 28, 1893.

Lots must have drains connecting with public drains.

Nov. 20, 1806, §20.

Private drains to be cleansed when choked.To be done at expense of owner.Interference with cleansers unlawful.Penalty.

SEC. 180. Every lot bounding on a street in which there is a public drain shall have a drain therein of brick, stone, iron or clay pipe connecting the said lot with the said public drain, the same to be constructed under the direction of the Board of Health, under a penalty of twenty dollars for failing to have such a drain connection and also of ten dollars for every day that such drain connection shall not be made after notice to make the same shall be given by the Board of Health to the owner or occupant of said lot: *Provided always*, that where a lot bounds upon two streets, in each of which there is a public drain, a connection with either shall be a compliance with this section.

SEC. 181. Whenever the Mayor is informed or hath reason to suspect that any private drain, leading into and connected with a public drain or sewer, is choked or filled with dirt, it shall and may be lawful to and for him to order, through the police, or through the Superintendent of Streets, the cleansing of such private drain; and if the owner or occupant of the lot from which said private drain proceeds should not, within ten days after notice being given by the police or superintendent aforesaid, have the same duly cleansed, it shall be done at the expense of such owner or occupant, and the costs and charges shall be recovered from such owner or occupant in any court having jurisdiction. If any person or persons shall molest, abuse, or repel any workman employed in cleansing any such private drain, every such person shall, for each and every such offence, be liable to a penalty of fifty dollars or imprisonment not exceeding thirty days.

SEC. 182. It shall not be lawful for any person, company, or body corporate, to open, perforate,

break, or injure any public drain, or carry or conduct any pipe or other conduit through the same, under a penalty of twenty dollars or imprisonment not exceeding ten days for each and every offence.

SEC. 183. It shall not be lawful for any person to connect any private drain with a public drain without having first obtained assent of the Mayor thereto, under a penalty of twenty dollars, or imprisonment not exceeding ten days for each and every offence.

Commissioners for the Separate Sanitary Sewerage System.

SEC. 184. A Board of Sewer Commissioners shall be, and the same is hereby created, whose duty it shall be to provide for and direct the maintenance and control of the new separate system of sewerage, with its connections and appurtenances, as already constructed or as its construction may hereafter be continued in the City of Charleston.

The said Board shall consist of seven members, five of whom shall be appointed by the City Council upon the nomination of the Mayor as herein below provided, and the remaining two members shall consist of the Mayor and the Health Officer *ex officio*.

The City Council shall appoint, upon the nomination of the Mayor, as aforesaid, one citizen to the Board of Sewer Commissioners for the term of one year, one citizen for the term of two years, one citizen for the term of three years, one citizen for the term of four years and one citizen for the term of five years, reckoning from the date of said appointments, respectively. At the expiration of the first year, and of each following year, the City Council shall appoint, in like manner, one citizen to the Board for the term of five years.

The Board of Sewer Commissioners shall organ- Organization.

Aug. 11, 1857, §2.

Unlawful to injure any public drain.

Ib., § 3.

Unlawful to connect a private with a public drain without consent of Mayor.

Aug. 13, 1895, §1.

Board created.

Of whom composed.

How appointed.

Quorum.

ize with a chairman and secretary, to be chosen from among their number as soon as practicable after each annual election. Not less than four members, including either the Mayor or the City Health Officer, shall constitute a quorum for the transaction of business at any meeting of the Board.

Meetings.

The Board of Commissioners shall meet once in each month in regular session. Other meetings may be called upon the request of two members of the Board, or when in the judgment of the chairman, the exigencies of the occasion shall require.

Ib., § 2.**Powers of Board.**

SEC. 185. The Board of Sewer Commissioners shall have full charge and control of the entire sewerage system of the City and its connections, and shall make and control all expenditures of moneys appropriated for the maintenance, operation and construction of the same. It may make all rules and regulations relating to the operation and construction of all sewers and their connections, as well as all appliances which may be attached thereto; and it is authorized to provide for and secure suitable quarters or rooms for properly conducting the business of the Board.

Ib., § 3.
Superintendent of Sewers to be elected.

SEC. 186. The Board of Sewer Commissioners shall elect, as soon as practicable after its organization, a superintendent of sewers, and such other officers and assistants as in its opinion is necessary to carry on and maintain an effective sewerage system for the City.

Term of office.

The Superintendent of Sewers appointed by the Board shall be an experienced civil engineer. He shall hold office for the term of two years from the day of his election and until his successor shall be elected and shall receive an annual salary of one thousand dollars in uniform monthly payments. He shall have full control and authority under the direction of the Board, of and over the maintenance and operation of the entire sewerage system and its appurtenances.

Salary.**Duties.**

The Superintendent of Sewers may be removed from office, for incompetency, for neglect of duty, for continued disability or for flagrant offences against the law, by a vote of a majority of the Board.

May be removed.

SEC. 187. The term of service and the salaries or payments for service of all other officers, assistants or employees shall be determined by the Board, subject to the approval of the City Council.

Ib., § 4.

Term of office of employees.

SEC. 188. In the case of the death, permanent disability, resignation or removal from the City of any member of the Board of Sewer Commissioners, the City Council shall appoint, in the manner hereinabove directed in Section 184, a citizen to serve as a member of the Board for the unexpired term.

Ib., § 5.

Vacancies on Board.

How filled.

SEC. 189. On or before the first meeting of the City Council in January of each year the Board of Sewer Commissioners shall submit through its chairman, to the Committee on Ways and Means of the City Council an estimate of the moneys required for the ensuing year for the maintenance and extension of the sewers and sewerage system of the City, so that adequate appropriations for the same may be made in the discretion of the City Council.

Ib., § 6.

Board to submit estimates to City Council.

SEC. 190. Nothing herein contained shall be construed to divest the City Council of the right to direct and control from time to time, as it may see fit, the operation and construction of the said sewerage system, as well as the action of the said Board, and of its officers and employees whose appointment is hereinabove authorized.

Council to control and direct the Board & sewerage system.

Separate Sanitary Sewerage System.

SEC. 191. Until City Council shall establish the offices of Superintendent of Sewers and Inspector of Plumbing, the duties hereinafter prescribed for

Feb. 12, 1895, §1.
Supervising Engineer.

Duties of.

said officers shall be discharged and performed by the supervising engineer of the work; *Provided, however,* That said engineer shall not charge, nor be entitled to receive, any additional compensation for such services.

Ib., § 2.

Use of sewers and all work connected therewith to be done under following rules.

Ib., § 3.

Board of Health may order connections made with sewers.

Penalty.

Ib., § 4.

Following acts a misdemeanor.

Penalty.

Interference with sewers, manholes, flush tanks, &c.

SEC. 192. That all sewers within the City shall be used; and all plumbing and other work connecting therewith shall be done and maintained, under the following rules and regulations, to wit:

SEC. 193. The City Board of Health shall have the power to stop and prevent the discharge of sewage from any premises within the city into or upon any public highway, stream, water course or public place, or into any drain, cesspool or private sewer, and to order a connection to be made with the public sewer for the removal of sewage from any premises whatever, whenever in the opinion of said Board of Health the public interests shall demand it; and any person who shall neglect or refuse to comply with the order of said Board of Health as above stated, within ten days of the service of notice of said Board of Health, shall be guilty of a misdemeanor, and shall pay a fine of not less than five dollars nor more than fifty dollars, or be imprisoned for not more than thirty days.

SEC. 194. It shall be a misdemeanor to do or cause to be done any of the following acts, except as hereinafter provided, and any and all persons guilty thereof shall pay a fine of not less than five dollars nor more than fifty dollars for each and every offence, or be imprisoned not more than thirty days.

I. To uncover the public sewer for any purpose or to make connection therewith, or to uncover the public inspection or connection branches thereof, or to open any manhole or flush tank, unless and except with the written consent and under the supervision of the Superintendent of Sewers or his duly

authorized agent; to do or cause to be done any injury or obstruction of any kind in any manner to any of the appliances or parts of the public sewers.

2. To make or cause to be made any connection for the removal of sewage from any premises, with any storm or sub-water drain, or with any stream or water course within the limits of the City.

To make connection with any storm or sub-water drain.

3. To make or cause to be made any connection branch of a public sewer, except under a written license for the work, signed by the Superintendent of Sewers or his authorized agent.

To make connection without written permission.

4. To make or cause to be made by any other person than a mechanic duly licensed to do such work by the City of Charleston, or authorized agent, any connection with the public sewers, or to make such connection in any other manner and with any other material than as follows, to wit:

Who to make connections.

(a.) Every pipe connection with the public sewers, from a point four feet outside of the foundation walls or piers of the building, must be strong, sound, and impervious in all its parts, must be solidly laid on a true grade, and as nearly as possible in a straight line; all changes in direction must be made with properly curved pipe; must be jointed in the best manner, and covered at least to a depth of one foot with well rammed earth, entirely free from stones and rubbish. Within twenty-four hours, (Sunday excepted) after the back-filling of the trench is completed, all paving and ballast must be replaced and the street left in the best condition, to the satisfaction of the Superintendent of Streets or his authorized agent.

How to make connections.

(b.) Gaskets must be used to prevent cement or lead from entering the pipes at the joints.

Gaskets must be used.

(c.) Every building, except under conditions determined by the Superintendent of Sewers, and not conflicting with other provisions of this Ordinance, shall be separately and independently con-

Every building to be separately connected w/ it h sewers.

SEPARATE SANITARY SEWERAGE SYSTEM.

Size of pipe to be used.

Grade.

Size of pipe and depth of same from surface.

No pipe to be laid within 5 feet of sewer, without permission.

nected with the public sewers; each tenement to be regarded as a separate building. Six-inch lines may be laid in private property after approval by the Superintendent of Sewers or his authorized agent; but only when there is not less than ten feet of four-inch pipe to, closet or slop sink, and where there are a number of small houses on one lot. No more than one drain shall be used to connect a building with the public sewers without special permit of the Superintendent of Sewers or his authorized agent.

(d.) No drain connected with the public sewer must be laid at a less grade than 1 in 50 without the written permission of the Superintendent of Sewers or his authorized agent. In all ditches where the bottom is unsafe from any cause, the grade must be made secure by concrete, planking or other means, to the satisfaction of the Superintendent of Sewers or his authorized agent, or by the use of cast iron or fibre pipe of satisfactory quality. If water pipe is laid in the sewer connection trench, it must be laid well to one side and above the sewer and must be of "extra strong" AA lead. Iron water pipes must be laid in a separate trench.

(e.) All drains connected with the public sewer or branches shall be four inches in diameter, excepting as provided in Sub-Article C in this section. No earthenware pipe shall be laid less than one foot under cover of earth. All drains of less depth shall be of cast iron pipe, with well caulked lead joints.

(f.) No person or corporation shall hereafter lay any pipe or conduit for any purpose whatsoever in any street within five feet on either side of the public sewer in such street without a permission in writing of the Superintendent of Sewers, or his authorized agent, with such conditions and restrictions as he may impose.

(g.) In opening trenches in any street or public

way the paving or ballast must be removed with care; the sides of the trench must be sheeted or braced when directed, and in the manner directed by the Superintendent of Sewers or his authorized agent. The earth thrown from the trench must be placed so as not to obstruct the gutters and so as to cause the least obstruction to public travel. Gas and water pipes must be protected from injury, and the trench enclosed and lighted at night, and every precaution taken to prevent injury to person or property during the progress of the work.

Trenches in
street must be
sheeted and brac-
ed.

(h.) Any settlement of earth over a drain in any public street or public way, occurring within thirty days after the ground has been closed, shall be repaired at the expense of the owner of the property for which such drain has been laid.

Trench must be
enclosed and pro-
tected by lights at
night.

Settling of
earth over drains
to be repaired,
by whom.

(i.) Notice must be left at the office of the Superintendent of Sewers twenty-four hours prior to the beginning of any work in laying a drain, and no material shall be used or work covered until inspected and approved by the Superintendent of Sewers, or his authorized agent. .

Notice must
be given to Su-
perintendent o f
Sewers and mate-
rial approved by
him before work
of laying a
drain is begun.

Permits, how
issued.

(j.) Permits to make connections with the public sewers will be issued only when the plumbing work and material in the house or building to be connected is in accordance with the rules and regulation for plumbing prescribed in the various subdivisions of Article 5 of this Section.

How plumbing
is to be done.

5. To do or cause to be done any plumbing work connected with the sewerage of the City, or to use or cause to be used any material for such work, excepting in the way, kind and manner described as follows:

First. Before any plumbing or drainage work is done in a building, or before any additions or changes are made in old work, excepting necessary repairs, a plan and description of the work to be done, signed by a licensed mechanic and counter-

Plans and de-
scriptions must
be furnished.

signed by the owner or agent, shall be filed in the office of the Superintendent of Sewers. Blanks for such plans and description will be furnished by the Superintendent of Sewers. All plans must be drawn legibly in ink. They must show the different connections and locations of the different features from the sewer to the termination above the roof. One vertical section of the plumbing arrangement will be sufficient if it can be made to show all the work; if not, two or more drawings must be furnished. Plans shall be approved or rejected with the least possible delay, but within twenty-four hours (Sundays and legal holidays excepted) after time of filing. After a plan has been approved, no alteration of the same will be allowed, excepting by special permit in writing, and no work shall be begun until the plans are approved by the Superintendent of Sewers.

Superintendent
of Sewers must
inspect.

Second. The Superintendent of Sewers must be notified in writing whenever any work is ready for inspection, and all work must be left uncovered and convenient for inspection until inspected and approved by the Superintendent of Sewers, or his authorized agent, who must inspect the work within two working hours after notice: *Provided*, The plumber has complied with all the conditions of this Ordinance. The inspector will then issue a certificate of inspection and approval and file a duplicate of such certificate with the Superintendent of Sewers.

Mechanic do-
ing the work, not
to act as agent
of the city.

Third. Under no circumstances can any mechanic doing the work of plumbing or house draining, or any employee of such mechanic, act as the agent of the City of Charleston to perform the duties prescribed in this Ordinance.

Plumbing work
to be tested.

Fourth. All plumbing work, before connection can be made with the public sewer, shall be tested by the plumber in the presence of the Superintendent

of Sewers, or his agent, with water or air pressure, as the plumber may select. The test shall be applied before the fixtures are placed on all new work. Old work may be tested in the same manner, or the smoke or peppermint test may be used, as the inspector may select, the object being to insure gas-tight work. With the water test the soil pipe shall be filled to its top and shall show no leakage in ten minutes. With the air test fifteen pounds pressure for thirty feet of height and under, and twenty pounds for more than thirty feet, shall be maintained for ten minutes without diminution on the guage.

How tested.

Fifth. All pipes receiving the discharge of water closets from one foot below the surface of the ground, (excepting in roadways where two feet will be required,) to six inches above the eaves of the roof of the house, must be of cast iron, four inches inside diameter, put away from all windows and left open at the top. The top of the soil pipe must be at least twenty feet from window or other opening into any building. All branches or other extensions of sewer connections, whatever use they may serve, if more than seven feet in length, must be ventilated by a cast iron pipe of the size to six inches above the eaves of the roof of any adjoining building.

Kind of pipes
for water closets.

Sixth. All horizontal four-inch cast iron pipe used for soil or waste, below or above ground, or placed on walls, in cellars or basements, shall have fittings and four inch brass trap screws on all ends and on main line, not exceeding twenty-five feet apart. All other cast iron pipe or waste pipe shall have Y branches and brass trap screws of size of pipe, so located that the pipe may be easily cleaned.

Cast iron pipes
to have fittings
and brass trap
screws.

Seventh. All stone pipe shall be of the best quality of vitrified salt glazed sewer pipe, free from blisters, thoroughly glazed and burnt, straight and of uniform texture, with deep bells of sufficient size to insure good jointing. All connections shall be made

Stone pipes to
have Y fittings.

with Y branches, and all changes in direction shall be made with curved pipe or Y branch cast iron pipe. All connections with waste pipes shall be made with Y fittings. "Sanitary tees" can be used only on vertical pipes. No waste pipe shall be tapped into the soil pipe or the trap of any other fixture, but shall have separate fittings in every case. No double hubs or sleeves shall be used on any line of iron pipe, excepting for connections.

Joints of iron with lead pipe shall be made with brass ferrule.

Joints in lead pipe. How made.

Same as clay pipes.

Waste and vent pipes.

Eighth. All joints of cast iron with lead pipe shall be made with a brass ferrule, Raymond or other improved make, of the same size as the lead pipe, set into the hub of the iron pipe and caulked with lead and attached to the lead pipe by a wiped solder joint.

Ninth. All joints in lead pipe must be made with solder and wiped, if possible. All joints in cast iron pipe must be made with packed oakum and molten lead, well caulked, the lead to be at least $1\frac{1}{2}$ inches deep, and made water tight. The joints must be left as caulked until tested. All joints in clay pipes shall be made with good hydraulic cement proportioned 1 to 1, with clean sharp sand or gravel, a gasket of oakum being used to keep the cement from entering the pipe. Care must be taken that the inside of the pipe is perfectly cleaned out before a connection is made with the house. The ends of all pipes are to be kept closed during construction.

Tenth. All waste pipes, when less than two inches inside diameter, shall be made of lead. No pipe less than $1\frac{1}{4}$ inches, inside diameter, shall be used. All waste and vent pipes with fittings, two inches or more inside diameter shall be of cast iron. Galvanized or rustless wrought iron pipe may be used for vent pipes. No waste pipe from refrigerator or other receptacle in which food or provisions are stored, shall be connected with a drain, soil or waste pipe, but must be separated therefrom, emptying into an open sink furnished with a trap.

Eleventh. All waste pipes from interior plumbing, exclusive of water closets and urinals, when less than seven feet in length may be discharged into an open trapped yard sink of approved construction. If over seven feet in length, a ventilation pipe must be carried six inches above the eaves of the roof. If five or more fixtures are attached, the waste pipe must be two inches or more inside diameter. Only one fixture shall be allowed on a $1\frac{1}{4}$ inch waste pipe, the vent pipe to be of the same size as the waste pipe.

How discharged.

Twelfth. Any line of pipe connected with the public sewer, if within four feet of any habitable building, or within ten feet of a well or cistern, the water from which is used, or may be used, for drinking or culinary purposes shall be of standard weight cast iron pipe with well caulked leaded joints. In passing into and through a cellar or basement the pipe shall be attached to the walls wherever practicable.

Weight of pipe.

Thirteenth. All water closets and separate fixtures must be trapped as close to the fixture as possible, and there must not be more than ten inches from water seal to floor. In no case shall a cast iron hopper be leaded into a pipe or trap, but shall be fastened down with brass screws. On cement floors and on brick floors iron hoppers shall be fastened on a flange with brass screws or bolts. All earthenware hoppers and washout closets shall be fastened to lead or brass flange soldered to ferrule and fastened by brass screws or bolts..

Traps to be used.

Fourteenth. Cast iron traps, with hand holes shall not be used. No bell trap, running trap or any trap depending for its seal on a movable part shall be used. No water closet shall be used which has an unventilated space of more than 100 cubic inches between two seals, or which has such unventilated space of any capacity in which any part or the mechanism moves, or the walls of which are not

Certain kinds of traps not to be used.

SEPARATE SANITARY SEWERAGE SYSTEM.

flushed at all points at each use of the closet. This includes the Pan, Defiance, and all other closets of similar construction.

S and P traps.

Fifteenth. All S. and P. traps for small fixtures, which are ventilated from the crown of the trap, shall have the vent pipe of the same size of the waste pipe. All two-inch traps shall have trap screws.

Kitchen sinks to have traps.

Sixteenth. All kitchen sinks for hotels, restaurants and boarding houses shall have some approved grease trap attached. All slop sinks in yards shall be not less than two and one-half feet square, the frame filled in with concrete tamped solid, and finished smooth with good cement. They must be built in manner and material as shown in drawings on file in the office of the Superintendent of Sewers. Catch basins or sand traps, which will be required whenever silt, sand or other heavy deposit likely to pass from house connection and which may affect the proper working of the sewers must be constructed as shown on drawings in the office of the Superintendent of Sewers.

Broken pipes to be replaced.

Seventeenth. When house drains are cleaned all broken or damaged pipe must be replaced with sound pipe, well jointed, and must be inspected and approved, as with new work, before the trench is refilled.

Rules as to ventilating pipes.

Eighteenth. All ventilation or other pipes on outside walls in public or private streets or alleys shall pass through the wall not less than six feet above the grade of such street or alley for protection from damage by passing vehicles. Before any pipe is attached to the wall of any building on adjacent property the consent of the owner of said property must be obtained.

Rules as to ventilating pipes.

Nineteenth. All four-inch soil and ventilation pipes and fittings on the inside and outside of all buildings shall be cast iron pipes. No soil or ventilating pipe shall rest on stone pipe, but shall be sup-

ported by a cast iron bent or Y, firmly fixed, and with a piece of cast iron pipe at least two feet long, attached horizontally to which the stone pipe may be connected. Ventilation pipes to yard closets must terminate at least eight feet above the ground.

Twenty-first. All waste pipes must be trapped at each separate fixture and as close to the fixture as possible. Laundry tubs of not more than three parts may be considered as one fixture.

Twenty-second. Whenever there is any possibility of a trap becoming unsealed, either by suction, syphonage or back pressure, the trap must be ventilated from its crown. The ventilation pipe from a water closet trap must be at least two inches in diameter, inside measurement. Where the back vent pipe from the traps of more than four water closets are combined, or the vent pipe of four such combined traps is more than thirty feet in length, the size of the vent pipe must be increased to three inches inside diameter, and carried six inches above the roof, or it may be run into the soil pipe five feet above the highest fixture. In buildings more than six stories in height the size of the vent pipe must be of the same size as the soil pipe, and must be carried six inches above the eaves of the roof. Other vent pipes from traps must be as large as the respective waste pipes, but where five or more are combined, or where the vent pipe from the trap is more than thirty feet in length, the size of the vent pipe must be increased to two inches inside diameter, and carried six inches above the eaves of the roof, or may be run into the soil pipe five feet above the highest fixture. Where two or more fixtures attach to a two-inch waste pipe all traps shall be back-vented. All washouts or other closets that have the trap attached above the floor, siphon closets excepted, must be back-vented.

Twenty-third. The discharge from hydraulic

Waste pipes to
be trapped.

Ventilation of
traps.

SEPARATE SANITARY SEWERAGE SYSTEM.

Discharge from
hydraulic eleva-
tors.

Steam or hot
water.

How water-
closet connections
must be made.

House drain
connections.

How overflow
pipe must be con-
nected.

Alterations and
repairs.

House connec-
tions must be
made under su-
pervision of Su-
perintendent.

elevators, passing into the public sewers, must first enter a drum or tank of sufficient size to hold the entire discharge, from which the water may flow into the sewer with little pressure. The drum or tank must be separately trapped and ventilated.

Twenty-third. Steam or hot water from any source passing to the public sewer must first pass into a condenser or receiver properly trapped and ventilated.

Twenty-fourth. All water closets shall be so located that they shall have not less than fifteen feet drain connection to the public sewer, and not less than five feet inside of the property line.

Twenty-fifth. The house drain or connection branch constructed in the public streets or alleys must be built of the size and in the manner shown in the drawings on file in the office of the Superintendent of Sewers.

Twenty-sixth. No trap ventilating pipe shall be used as a waste or soil pipe.

Twenty-seventh. Overflow pipes from all fixtures must be connected on inlet side of the trap.

Twenty-eighth. All additions, alterations and repairs on all sewer, drain, soil or waste pipes shall be made in accordance with these rules and regulations.

Twenty-ninth. The house connection branch from the sewer shall be constructed only under the personal supervision of the Superintendent of Sewers or his duly authorized agent, and to his satisfaction. The house system shall be connected with the connection branch of the public sewer only in the presence of the Superintendent of Sewers, or his duly authorized agent, and only after he has personally inspected and accepted the entire work and satisfied himself that it is strictly in accordance with the requirements of this Ordinance.

6. To throw or deposit, or cause to be thrown

or deposited, in any vessel or receptacle connected with the public sewer, any matter or thing whatsoever, except faeces, urine, the necessary closet paper and liquid wastes; or to allow any house drain to be connected with any privy or cesspool or underground drain, or with any other channel conveying water or filth, excepting the soil pipe and plumbing work of the house or building as hereinbefore provided. The Superintendent of Sewers shall have full power to stop and prevent from discharging into the public sewers any private drain through which substances are discharged which are liable to injure the sewers or to obstruct the flow of the sewage..

To throw or deposit anything, except faeces, urine, the necessary closet paper, &c., prohibited.

SEC. 195. No person, firm or corporation shall do any work under this Ordinance without having first secured a license to do such work from an authorized agent of the City of Charleston; and such license shall not be given to others than a skilled mechanic, or those who keep a skilled mechanic in employ. Every person, firm or corporation to whom a license be granted shall, before proceeding on any work covered by this Ordinance, file a bond, to be approved by the Mayor, conditioned in a sum sufficient to indemnify and save harmless the City of Charleston from all damages arising from connections made with the public sewers. No person, firm or corporation licensed, to do the work herein provided for, shall undertake house drainage or plumbing work without first receiving a special permit for each case. Applications for permits for house drainage and sewer connections must first be made in writing by the owner of the property or by his authorized agent, giving the name of the licensed mechanic who is to do the work, and requesting that the licensed mechanic be duly authorized therefor. Blanks for such applications will be furnished by the Superintendent of Sewers.

Ib., § 5.
No work to be done unless by a regular mechanic, and permit therefor be first obtained.

SEC. 196. It is made the duty of the Superinten-

How permit to be obtained.

Ib., § 6.

dent of Sewers and of his authorized agents to enforce full compliance with the sections in relation to the sewer connections, the construction of house drains and plumbing work, and the exclusion of all improper substances from the drains and sewers, and a failure of duty in this respect shall subject such Superintendent of Sewers or his agents to all the penalties of this Chapter.

Water Works.

Aug. 23, 1881, §1.

Unlawful to open any fire plug.

SEC. 197. It shall not be lawful for any person or persons to open any fire plug appurtenant to the Water Works, or to draw water therefrom, excepting the officers of the City of Charleston Water-Works Company and persons under their direction, or with their permission, and the Chief of the Fire Department, and the members of a fire-engine or hose company, and by any authorized officer of the City for sanitary and other purposes, as agreed to in the contract between the City Council of Charleston and the said Water-Works Company.

April 22, 1890.

Unlawful to interfere with fire hydrants.

SEC. 198. It shall not be lawful for any person or persons not connected with the City of Charleston Water-Works Company, or with the Charleston Fire Department, or other proper City official, to meddle, interfere with or open, for any purpose whatever, any of the fire hydrants on the mains of the said Water-Works Company—and for each and every such offence, the person or persons found guilty of the same shall be punished by a fine not exceeding one hundred dollars, or be imprisoned in jail not exceeding thirty days in the discretion of the Court or justice trying the case.

Aug. 23, 1881, §2.

Hitching horses to hydrants prohibited.

SEC. 199. It shall not be lawful for any person or persons to hitch horses or other animals to any of the hydrant posts of any of the fire plugs or public drinking fountains.

SEC. 200. It shall not be lawful for any person or persons to place or deposit any building material, rubbish, merchandise or any other obstruction in front of any of the fire plugs so as to prevent ready access to the same by the Fire Department.

Ib., § 3.
Unlawful to obstruct fire plugs.

SEC. 201. It shall not be lawful for any person or persons to deface, remove or injure in any way any of the fire plugs or public drinking fountains, valve covers or other property of the said City of Charleston Water-Works Company.

Ib., § 4.
Unlawful to remove or injure fire plugs, &c.

SEC. 202. Every person who shall violate any of the provisions of the four preceding sections of this subdivision, shall, for each and every offence, be subject to a penalty of ten dollars, or be imprisoned for a period not exceeding thirty days in jail.

Penalty.

SEC. 203. It shall be the duty of the police to report all persons found violating any of the provisions or prohibitions of any of the sections of this sub-division, and to arrest all persons who may wantonly deface or injure any of the property of the said Water-Works Company above referred to.

Ib., § 6.
Police to report.

Wells and Pumps.

SEC. 204. All public wells which shall hereafter be sunk, and all public pumps, shall be placed upon the edge of the foot pavement; and where no foot pavement is laid, at such distance from the side of the street, lane, alley or public way, as to leave sufficient room for a foot pavement; the spout and handle of every such pump shall be so fixed as not to project on any existing or intended pavement: the basin and grate to every such pump shall likewise be placed along the edge of every such pavement. If any person or persons shall wilfully break, injure, or destroy any of the public wells or pumps sunk or placed, or to be sunk or placed, in any part of the City, or shall injure, remove or destroy any pump

Nov. 20, 1806, § 22.
Aug. 15, 1844, § 6.
Regulations for sinking public wells and erecting public pumps.

Penalty for injuring, &c., public wells and pumps.

Unlawful to
wash horses, &c.,
at the public
pumps.

handle, pump box or other gear, belonging to any or either of the public pumps or wells, or shall throw any brick, stone, filth or other rubbish into either of them, every such person shall, for each and every such offence, be subject to a fine of ten dollars in addition to the cost of repairing or replacing the same, or imprisonment not exceeding ten days. And it shall not be lawful to and for any person or persons to wash any horse or horses, carriage or carriages, clothes, or other things, at any public pump in the City, under a penalty of five dollars for every person so offending or imprisonment not exceeding five days.

Ap. 17, 1795, §1.

Casks not to
be filled from
pumps without
using a funnel.

SEC. 205. If any person shall fill any cask or other vessel containing more than five gallons from any of the said pumps without using a funnel and a trough of at least six feet in length, he, she or they shall, for each and every such offence, be subject to a penalty not exceeding five dollars, for the use and benefit of any person or persons prosecuting for the same, or imprisonment not exceeding five days.

July 12, 1853, §1.

Board of Fire
Masters to have
supervision of
the City pumps
and wells.

SEC. 206. The Board of Fire Masters shall have charge and supervision of the City pumps and wells; and it shall be their duty to cause all necessary repairs to the said wells and pumps to be promptly done, and to see that the same are, at all times, in good order and working condition.

Electric Wires and Poles.

Sept. 10, 1895.

Office of City
Electrician estab-
lished.

SEC. 207. That from and after the fourth Tuesday in October, 1895, the office of City Electrician be and is hereby established..

SEC. 208. That on the second Tuesday in March, 1904, and on the same day in every second year thereafter, a competent person, skilled in the handling and management of electrical machines and machinery, to be known as the City Electrician, shall

be nominated and appointed by the Mayor, subject to the confirmation of City Council, who shall serve for the term of two years from the date of his appointment, and until his successor shall be appointed and confirmed. He shall receive an annual salary of sixteen hundred dollars, payable monthly, and shall have an office at the City Hall. The City Electrician shall have charge of the police alarm and the general supervision of the fire-alarm system of the City, and generally, so far as the interests of the city and citizens are concerned, supervise and direct the erection, conduct and maintenance of all poles, wires and other electric apparatus in, through, upon or over the streets of the City of Charleston. He shall have such assistant or assistants as Council may from time to time allow.

Appointment of.

Oct. 13, 1902.

Salary.
How payable.

Duties.

Assistants.

SEC. 209. Applications for permits to erect poles and stretch wires must be filed in the office of the City Electrician, accompanied by a plan indicating the proposed location and character of the same, such plan to be approved by the Committees on Streets and Electric Wires, and when so approved the City Electrician shall issue a permit in the name of said Committees. It shall not be admissible to occupy any main streets with poles or other supports where it is practicable to penetrate any district or supply the occupants of any one square by erecting such poles and supports in the alleyways.

27th March, 1900.

Applications
must be made
for the erection
of poles and
wires.Main streets
not to be occu-
pied where their
use can be avoid-
ed.Definition of
wires.

SEC. 210. All wires carrying currents for electric lights or electric powers for any purpose whatsoever are herein designated and classed as electric light wires, and all wires other than for the above purpose are herein designated and classed as telegraph wires within the meaning of this sub-division.

March 27, 1900.

Committee on
Streets to con-
trol.

SEC. 211. All poles shall be erected under the supervision and control of the Committee on Streets, and all wires of every class shall be strung under the supervision and control of the Committee on Electric Wires.

27th March, 1900.**All companies to occupy the same line of poles.****Rental.****27th March, 1900.****Roofs must not be used for support of wires without consent of owners.****Wires to be insulated.****27th March, 1900.****Samples to be submitted.****How wires to be fastened.****Must not sag.****Wires along walls must be rigidly attached.****Light wires not less than one foot apart.**

SEC. 212. All companies erecting wires shall occupy the same line of poles wherever such combined use is practicable, to be determined by the Committee on Electric Wires, and shall pay therefor such rental or compensation as the parties interested may agree upon; or if they shall fail to agree, then such as may be fixed by the Committee on Electric Wires.

SEC. 213. Roofs of buildings must not be used in the support of wires, nor shall any other part of buildings be so used without the consent of the owners thereof properly authenticated to the committee on Electric Wires, and with the approval of the City Electrician.

SEC. 214. All electric light or power wires hereafter erected or strung must be covered with a durable water-proof insulation, not less than two coatings. Permits to string wires will be granted only after approval of samples submitted to Committee on Electric Wires and the City Electrician, and no wires other than those thus approved by samples may be strung.

SEC. 215. Electric light and power wires must be fastened to insulated supports by insulated tie wires. The use of iron tie wires is prohibited. All tie wires must have an insulation equal to that of the conducting wires. Wires must be tightly stretched and never allowed to sag to such an extent as to be capable of coming into swinging contact with each other, with signs or other neighboring objects.

SEC. 216. In running along walls all wires shall be rigidly attached to the same by non-conducting fastenings, and shall not hang from projecting insulators in loose loops. All arc light wires shall be placed at not less than one foot apart, and whenever they approach any conducting body capable of furnishing a ground connection they must be rigidly secured and separated from the same by some ap-

proved non-conductor. The use of porcelain knobs as insulators on the outside of buildings is prohibited, except in dry places, where an approved special insulation must be used on the wires. Wires must not be so placed as to render it easily possible for water to form a cross connection between them.

Porcelain knobs prohibited, except in dry places.

SEC. 217. Where angles occur in the line, subjecting the supports to increased strain, guard irons must be placed at the outer ends of the cross-arms; guard wires must also be placed wherever their presence would prevent telephone, telegraph, or other wires from coming into accidental contact with electric light, power and trolley wires for electric street railways. Whenever it is necessary for any electric light, power or trolley wires to be run under telegraph, fire alarm or telephone wires, permission shall be granted to do so by the City Electrician, with the approval of the Committee on Electric Wires, but the company running such wire or wires shall pay the expense of raising the other wires, so that the said wires shall be not less than five feet above said electric light, power or trolley wires to make them entirely safe; and whenever any telegraph, fire alarm or telephone companies wish to stretch wires above any electric light, power or trolley wires, they must cross not less than five feet above said wires. The guard wires above each electric light, power or trolley shall consist of such wires, and shall be stretched in such manner as may be prescribed by the City Electrician, with the approval of the Committee on Electric Wires. The cost of such guard wires and guard irons, or change of poles, shall be borne by the person or company making the last construction..

March 27, 1900.

Where angles occur guard irons must be placed. Guard wires to be placed; when.

Permission necessary to run light or power wires under telegraph wires.

Guard wires; how composed.

Cost of same; how borne.

Circuits must have device for detecting ground connections.

Tests must be made three times each day.

SEC. 218. All electric light and power circuits shall be provided with some approved device for declaring and detecting ground connections. Tests for grounds shall be made at least three times each

March 27, 1900.

Wires, poles, &c., no longer in use must be removed.

Size of poles.

Oct. 14, 1902.

Wires must be not less than 22 feet above street.

Crossing wires must be not less than 5 feet apart.

Permission to trim trees must be obtained from Tree Commissioners, and trimming must be done under their direction.

March 9, 1897.

Poles to be within six inches of the curb.

Oct. 14, 1902.

When necessary, the location of the poles to be changed at expense of the Company.

Right reserved to place, without cost, any police or fire alarm wires, on poles of any Company.

day. When a ground connection occurs, it must be found and remedied without delay.

SEC. 219. All loops, wires, poles and other supports no longer in use, shall be removed at once..

SEC. 220. All poles shall be of ample size to support with safety the wires to be placed thereon, size to be determined by the Electrician, with the approval of the Committee on Electric Wires.

SEC. 221. All wires shall be erected at a distance not less than twenty-two (22) feet above the level of the street, and all wires of different classes crossing each other shall do so at a distance not less than five (5) feet. That whenever it shall be necessary to trim any tree or trees to clear wires, or for any other such like purpose, application shall be made to the Board of Tree Commissioners, who shall have the necessary trimming done under their supervision and attention; and all expense of such trimming of said trees shall be borne and paid for in advance by the person or corporation making such application.

SEC. 222. All poles erected after the passage of this Ordinance, unless otherwise ordered by the Street Committee, shall be placed within six (6) inches of the curb and five (5) feet from any fire hydrant, and five (5) feet from any lamp post, the right being hereby reserved to the Committee on Streets to change, at the expense of the respective company, the location of any pole or poles now or hereafter erected, when such change is deemed necessary for the public convenience or safety.

SEC. 223. The right is reserved to the City Council to place without cost any police or fire alarm wires that are or may be in future erected for the City's use, on any pole or poles erected in the streets, alley ways or other highways of the City, and all permits hereafter granted for the erection of poles shall be subject to this condition.

SEC. 224. That every electric light and power firm, company, person or corporation operating or having its wires strung within the city limits shall cause to be erected in the station of such company, person, firm or corporation, at its own expense, such gongs and indicators as shall be approved by the City Electrician and the Board of Fire Masters, to be used in case of fire, and for the protection of firemen.

Aug. 8, 1899.

Gongs and Indicators to be erected by firms or companies in places of business.

SEC. 225. That said gongs and indicators shall be connected by said firm, company, person or corporation, and at their own expense, with the fire alarm wires, and placed under the supervision of the City Electrician, or Superintendent of Fire Alarms, who shall have access to and keep the same in order at all times.

Gongs connected with fire alarm wires.

SEC. 226. That upon the occurrence of a fire in any district or part of the city in which such person, firm, company or corporation shall have have strung any electric light or power wire said person, firm, company or corporation shall immediately send an emergency team and one or more competent men, with necessary apparatus and tools, to have such wire or wires removed as shall be ordered removed by the chief of the fire department or his assistant or other officer in charge of said fire. And said emergency team and men so sent shall report immediately to the chief, assistant or other person in charge of the fire, and be and remain under his orders, which shall be promptly executed until dismissed.

Companies or firms to send emergency teams in case of fire.

Team to report to Chief of Fire Department.

SEC. 227. That in all cases of great emergency, and when deemed necessary by the chief of the fire department, his assistant or other officer in charge of the fire, notice shall be given such person, firm, company or corporation at their power station by signal on bells, and gongs, one and two, and upon such notice or signal such person, firm company or corporation shall immediately turn off the electric current in the district of said fire.

Electric current to be turned off if ordered by Chief.

Penalty.

SEC. 228. Any person, firm, company or corporation violating this Ordinance by refusing to erect said gongs, wires and indicators shall be fined one hundred dollars for the first offence and fifty dollars additional for each and every day thereafter until said Ordinance shall be complied with, and shall also be fined not less than twenty-five dollars or more than one hundred dollars for each and every violation of the other provisions contained in said Ordinance; said fines to be recovered in any Court of competent jurisdiction.

Wires entering buildings must be insulated.

SEC. 229. Where wires enter a building, they must be encased in continuous pieces of hard insulating tubing, so inclined as to oppose the entrance of water, and the outer end of this tubing must be sealed with some plastic insulating material in such manner as to exclude all moisture.

27 March, 1900.

City Council
may from time to
time add to or
modify this sub-di-
vision.

SEC. 230. The City Council hereby reserves to itself the right to add to or modify this subdivision, and any rules and regulations which may be prescribed by the Committee on Streets; or the Committee on Electric Wires, and if in its opinion, it should hereafter become necessary to require any and all electric wires to be placed underground.

27 March, 1900.

SEC. 231. That any violation or refusal on the part of any person or company to make such alterations or repairs in their present or future construction as may be demanded by the joint Committee on Streets and Electric Wires in conformity with this sub-division shall work immediate suspension of all permits held by the person or company guilty of such violation or refusal; and in the case of the persistent violation of the requirements of this subdivision, and in the case of dangerous necessity, the joint Committee on Streets and Electric Wires is authorized to instruct the Chief of Police or the City Electrician to cut out light or to cut out the current in any local-

ity concerned, and to enforce the discontinuance of all rights until the rules are complied with.

SEC. 232. Any person, and any officer, agent or employee of any company or corporation, violating any of the provisions of this subdivision, shall, on conviction, be fined not less than one dollar nor more than one hundred dollars, or imprisonment not exceeding ten days in the discretion of the court, except in cases for which a different penalty is expressly prescribed in this subdivision. Penalty.

SEC. 233. The city electrician shall, in addition to his present duties, have general supervision over, and he is hereby authorized, empowered and directed to regulate and determine the placing, stringing and attaching of all telegraph, telephone or electric light and power or other wires now in use or which shall hereafter be erected in the City of Charleston, so as to prevent fires or accident or injury to persons or property, and to cause all such wires and all electrical appliances to be so placed, constructed and guarded as not to cause fires or accidents, or endanger life or property, and whenever, in the judgment of said city electrician, any electric wire shall be defective by reason of improper or insufficient insulation, or for any other cause, the said city electrician shall at once notify the owner thereof of such defect, and order him to repair or remove the same, and upon the owner's failure or refusal so to do within seven days from the date of such notice, the said electrician shall cause the repair or removal of the same.

City Electrician
to regulate placing
and stringing of
wires, etc.

SEC. 234. The city electrician shall have the right, in the discharge of his official duties, to enter any building, man-hole or subway, or climb any pole, for the purpose of examining or testing the electrical appliances therein or thereon contained. And for that purpose he shall be given prompt access during reasonable hours to all buildings, pub-

City Electrician
to enter subways,
have access to all
buildings, etc.

lic or private, and to all manholes and subways, on application to the individual or company owning or in charge of the same.

After inspection
no change to be
made without per-
mit for same.

SEC. 235. No alteration shall be made in the wiring of any building for light or power, nor shall any building be wired for electric lights, motors or heating devices without a permit therefor from the city electrician, nor shall any change be made in any electrical installation after inspection without notification to the city electrician and his written permit therefor.

Contractor to
notify City Elec-
trician when work
ready for inspec-
tion.

SEC. 236. Upon the completion of the wiring of any building for light, heat or power it shall be the duty of the company, firm or individual doing the same to notify the city electrician, who shall then inspect such wiring and appliances, and if approved by him he shall issue a certificate of satisfactory inspection, which shall contain the date of such inspection and an outline of the result of his examination, but no such certificate shall be issued unless such wiring and appliances be in strict conformity to the rules and regulations prescribed or required by these ordinances, nor shall current be turned on such installation until said certificate be issued.

No current
turned on without
certificate.

Materials, etc.,
to conform to
rules of National
Board of Fire
Underwriters.

SEC. 237. All electric construction, all materials and appliances used in connection with electrical work and the operation of all electrical apparatus within the City of Charleston shall conform to the "rules and requirements of the national board of fire underwriters for the installation of wiring and apparatus for electric light, heat and power," as they are now established, or may hereafter be amended, and the said rules and regulations are hereby adopted and approved as a part of these ordinances, but subject nevertheless to such modifications and changes as City Council may from time to time direct.

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CALIFORNIA.

SEC. 238. It shall be the duty of the city electrician to so direct the placing of poles and wires in the streets, alleys and public places of the city that the same shall cause as little obstruction as possible either to public travel on such thoroughfares or to the private use and enjoyment of adjacent property. It shall also be his duty, and he shall have authority, to compel the removal of superfluous poles, loops, wires and other supports at once.

City Electrician
to direct placing
of poles and
wires.

SEC. 239. In any case of failure to comply with the requirements of these ordinances the city electrician shall have authority, after five days' notice, to cut out lights or current in any locality concerned, and to enforce discontinuance of the same until said requirements are complied with.

Current cut out
if requirements
not observed.

SEC. 240. Any person or firm, or the superintendent, manager or person in charge of any corporation, who shall violate any of the provisions of this ordinance, or who shall fail, neglect or refuse to comply with any order or request of the city electrician given in pursuance of said ordinance and the rules embraced therein, shall, upon conviction, be fined not less than five dollars, nor more than one hundred dollars, or be imprisoned not less than five days, nor more than thirty days, for each and every offence.

Penalty.

SEC. 241. The City electrician shall, in addition to his present duties, have general supervision over the public lighting of the streets, whether said lighting be done by contract or otherwise, as the City Council may from time to time determine, and he shall examine and report to the Mayor as to the fulfillment or breach of all street lighting contracts, and shall certify to him on every voucher for payment thereon, that such payment is due in accordance with the terms of the contract on account of which said voucher is drawn.

Oct. 14, 1902.
City Electrician
to have supervis-
ion over lighting
of city.

SEC. 242. He shall see that all ordinances of

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ANNUAL

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ELECTRIC WIRES AND POLES.

To have ordinances relating to lighting, etc., enforced.

the city and all orders and rules of City Council and of the Committee on Lighting, relating to public lamps, or lighting of the streets and public grounds, are strictly enforced; shall keep a record of the location of every public lamp and the number and description thereof, together with a record of all lamps reported by the police department, or any other person or persons, as extinguished or not in order, and cause proper allowances to be made for

To report breaches of contract to Mayor.

each and every breach of any and all public lighting contracts; shall report to the Mayor every omission or neglect of any person, firm or corporation, whose duty it is to light, clean or repair the public lamps, and all breaches of street lighting contracts; shall issue, acting under direction of City Council, the orders for the installation or discontinuance of public lamps, or the substitution of one style of lamps for another; he shall make an annual report to the City Council during the month of January, in each and every year, of all matters pertaining to the lighting of the streets and public grounds of the city; and shall perform such other duties pertaining to the said public lighting as may from time to time be prescribed by the City Council and the Committee on Lighting.

To report annually to Council in reference to lights.

Unlawful to extinguish lamps.

SEC. 243. It shall be unlawful for any person or persons not employed by the person, firm or corporation having a contract with the city of Charleston for lighting all or any portion of the public streets or public grounds of the city, to light or extinguish a street or public lamp: and then only such as are included in their respective contracts; and any person who shall light or extinguish any such lamp or lamps otherwise than herein provided, or any burner in any such lamp or lamps, shall forfeit and pay for each and every such offence a sum not exceeding ten dollars, nor less than five dollars, which penalty shall be recoverable in any court having

Penalty.

UNIV. OF
CALIFORNIA

jurisdiction thereof, or imprisonment not exceeding thirty days.

Sub-Ways and Under Ground Wires.

SEC. 244. That all corporations, firms or persons to whom permission may hereafter be granted for running or laying underground conduits, ducts or pipes for electrical conductors or cables or wires, or who shall be required by law or ordinance to do so, shall conform to the requirements of this ordinance.

March 27, 1900.

SEC. 245. That no street, lane, alley, or road in the city of Charleston shall be broken or occupied by any corporation, firm or person for the purpose of laying down conduits, ducts or pipes except by permission of the Mayor and Council. That during the construction or laying down of said underground conduits, ducts or pipes, conductors, cables or wires, no street, alley, lane or road shall be opened or the paving or roadway broken into for a greater distance than one thousand feet at any one time, or opening, and that no section of one thousand feet shall be kept open for a longer period than ten days. That said opening or trench shall not be of greater width than five feet, except the manholes, and as the work progresses the paving shall be promptly and properly relaid and the street, alley, lane or road put in good condition at the expense of the corporation, firm or person constructing the same. That for good cause shown the Mayor, on recommendation of the city electrician, shall have power to extend the time during which said trench may be kept open.

Conduits not to
be laid without
permission of
Mayor.

Not more than
1,000 feet to be
kept open for
more than ten
days.

Trench not to
be wider than 5
feet.

Mayor may ex-
tend time.

SEC. 246. That any person or persons, corporation or firm, duly authorized by ordinance to run or lay underground conduits, ducts or pipes for electrical conductors, cables or wires, and desiring

Plans and speci-
fications to be
filed with Mayor
by firms laying
conduits.

THE VILLAGE AMERICAN

to place the same along or across any of the streets, alleys or public places of the city of Charleston, shall file with the Mayor an application therefor, with plans and specifications showing the location, routes and length of the proposed underground conduits, ducts or pipes.

Mayor and
Committee on
Streets to grant
permit.

SEC. 247. The Mayor and the committee on streets are hereby authorized, upon the filing of the application and plans and specifications required by the preceding section, to grant a permit for such occupancy of the streets, alleys, and public places as shall be set forth in such application, plans and specifications, subject to the regulations and qualifications of this ordinance. The opening of any street, alley or public place for such purpose without a permit having been first obtained shall subject such corporation, firm or person to a fine or penalty not exceeding \$500 for each and every offense and the stoppage of the work until such permission is obtained. The work of constructing any underground conduits, or laying any ducts, pipes, electrical conductors, cables or wires, shall be under the supervision and to the reasonable satisfaction of the Mayor, committee on electric wires, committee on streets and the city electrician, who shall have at all times free and unobstructed access to the conduits, ducts or pipes, electrical conductors or cables for the purpose of making connection therewith for such wires or conductors, in use or to be hereafter used by the city, in which case, however, reasonable notice of such proposed connection shall be given to the corporation, firm or person owning or operating such conduits, ducts or pipes.

Penalty.

Parties laying
conduits liable for
all damage to gas
and water mains.

SEC. 248. That all corporations, firms or persons occupying any streets, lanes, alleys or road with underground conduits, ducts, pipes, cables, electrical conductors or wires shall be liable for all damages

for gas and water mains and sewer connections with sewers and for all damages which may come to the city of Charleston directly and approximately, or for which it may be in any manner whatsoever responsible, caused by the opening of trenches or the condition of streets, alleys, lanes or roads resulting from the construction of conduits or the laying of ducts, pipes, electrical conductors, cables or wires or making connection, and good and sufficient bond shall be given, subject to the approval of the Mayor, in the sum of \$5,000 as the security for the same.

Bond to be given.

SEC. 249. Any corporation, firm or person constructing conduits or laying ducts or pipes under this ordinance shall furnish to the city, on demand, one duct for municipal fire and police purposes: *Provided*, however, that no electric light or power wire shall be placed or used by the city or by any other person in any duct or conduit constructed or used by any telephone or telegraph company. It is also declared that the privilege and benefit extended to the city in this respect shall be an equivalent for and in lieu of the taxes and rentals which might otherwise be assessed by the city against such conduits, ducts, pipes, electrical conductors, cables or wires so constructed or laid, but not for proper taxes on other property legally taxable.

One duct to be furnished for use of city.

SEC. 250. That all corporations, firms or persons having telegraph, telephone or electric light wires, electrical conductors or cables placed underground shall, whenever thereto required by the Mayor of the city of Charleston, file their report within thirty days thereafter, under oath, with the Mayor, showing the actual number of wires and their location, and the miles of wire and electrical conductors underground, owned or leased or controlled by them in the city of Charleston.

Company furnishing city duct to be exempt from certain taxes.

SEC. 251. That for the purpose of reaching the

Location of wires to be designated.

Distributing
poles allowed.

offices of the companies herein named and the premises of the users of the service furnished by any corporation, firm or person operating under this ordinance the necessary poles for distributing wires from the subways may be erected in any and all of the streets, (excepting in King street between Calhoun and Broad streets) under the direction and supervision of the Mayor, the committee on electric wires, the committee on streets and the city electrician.

SEC. 252. That upon the passage of any ordinance granting any company, corporation, firm or individual privileges under this ordinance or under any ordinance now in force relating to or regulating or requiring underground wires, electrical conductors, conduits, pipes or tubes, the said company, corporation, firm or individual shall, before exercising any privileges or requirements thereunder, give a bond to be prepared and approved by the corporation counsel and the Mayor, and to be entered of record, in the sum of five thousand dollars, conditioned that they will properly relay and pave all openings made by them, such bond to be cancelled when such openings shall have been properly relaid and paved and accepted as such by the superintendent of streets. No permit shall be issued as aforesaid until this condition is complied with.

Sept. 8, 1899.

Telephone, Tele-
graph Co's. to
maintain wires in
subways in cer-
tain streets.

SEC. 253. That from and after the 31st day of December, 1899, it shall be unlawful for any corporation, firm or person, now or hereafter conducting a telegraph, telephone or burglar alarm business, to erect any pole or poles, or to stretch, extend or run any of its wires along and through any of the streets of the City of Charleston within the area or areas in Section 257, of this ordinance, (and also set out in the diagram or plat hereto attached as part of this ordinance,) except as provided therein,

unless the same be run, stretched and maintained in and through subways or conduits laid under ground, and operated and maintained in accordance with the provisions of an ordinance entitled "An ordinance relating to the constructing of subways and underground wires for electrical purposes and regulating the same," ratified the 13th day of July, 1897: *Provided*, however, that defective poles, or poles destroyed by fire, storm or other casualty may be replaced and stand under this ordinance as the original pole to be so replaced would have stood.

SEC. 254. That on and immediately after the ^{Time.} 31st day of December, 1899, all such corporations, firms or persons, now, then and thereafter conducting such telegraph, telephone or burglar alarm business, shall, and before such date may construct and maintain, each for itself, or conjointly, should they so determine and agree, such conduits or subways including necessary man-holes and house connections in the territory and streets hereinafter referred to, as may be necessary to contain the wires used and to be used by them, or any or either of them, or their lessees, along and through the said streets or areas; such construction of the said conduits or subways and the placing of wires or cables therein to be fully completed on or before the 1st day of July, 1907.

SEC. 255. That all poles or posts now standing or used, or which may be standing or used on the 1st day of July, 1907, in the streets or areas herein-after described, shall be removed from said streets, and all wires suspended thereon taken down and removed on or before the 1st day of December, 1907, and poles shall be no longer maintained therein, except such distributing poles as are necessary and permitted and provided for by the ordinance hereinbefore referred to.

^{Poles to be removed by July, 1907.}

SEC. 256. That for a failure to comply with this ^{Penalty.}

ordinance the person or persons in charge of the business or office of the said company or corporation, firm or persons, in the said City of Charleston, shall be summoned before the Recorder of the said city, and if found guilty shall be fined a sum not exceeding twenty-five dollars for each and every day of said default. But the imposition and collection of this fine shall not in any way authorize or sanction the further maintenance of such poles or in any way prevent the City Council from removing the same or causing them to be removed.

**Underground
streets.**

SEC. 257. That the area, streets or districts to be first affected by this ordinance shall be contained in the area south of and including Line street. That within this specified area no poles shall be erected or maintained and no wires placed upon or along the following streets, running in a northwardly or southwardly direction, to-wit: East Bay, Church, Meeting, King, Legare and Rutledge avenue. That poles may be erected and maintained and wires placed and kept upon and along all of the streets, avenues, lanes, alleys or courts in such specified area running in a general eastwardly and westwardly direction, saving in the following streets, in which said poles and wires shall not be erected, strung or maintained except in subways, to-wit: South Bay, Tradd, Broad, Wentworth and Calhoun streets.

**License for
company going
underground be-
fore 1st July,
1907.**

SEC. 258. That in the event that any telegraph, telephone or burglar alarm business company shall prior to the first of July, 1907, build and construct underground conduits and operate the wires of their system or systems in the same throughout the area specified in Section 257, then the license for such company for the period of time from the completion by them of such subways until the first day of July, 1907, shall be at the rate of ten dollars per annum; should the said period of required completion be

hereafter extended beyond the first day of July, 1907, then and in that event the license for such company at that time operating its wires in an underground system throughout the above mentioned territory shall remain and continue at the rate of ten dollars per annum until the final date when all the telegraph, telephone and burglar alarm companies shall be forced to have their wires placed underground in the area specified.

HEALTH DEPARTMENT.

BOARD OF HEALTH—HEALTH OFFICER—CITY DISPENSARY PHYSICIANS—BIRTHS AND MARRIAGES—PRIVIES AND VAULTS—LOW LOTS—INTERMENTS AND CEMETERIES.

SEC. 259. The Board of Health of the City of Charleston shall consist of three practicing physicians and eight citizens of the City of Charleston, all of whom shall be appointed by the Mayor, and from whom he shall select a chairman; and which said board shall hold their office for the term of two years from the date of their appointment or until their successors are qualified.

Jan. 17, 1882.

Board of Health; how appointed and constituted.

SEC. 260. The authority, duty and powers heretofore imposed by any Ordinance for the purpose of preserving health or preventing disease, upon any officer or person, are hereby exclusively conferred upon and shall hereafter be exclusively exercised by the Board of Health, the members and officers thereof; and the powers of the said Board shall be construed to include the prevention of the sale, or offering for sale of, improper articles; the removal of any matter or thing in or upon the public streets, or places which shall be, in their opinion, detriment-

Mar. 30, 1875, §2.

Duty and powers of preserving health to be exclusively exercised by Board of Health.

Abating of nuisances.

Ib., § 3.

To remove or remedy anything on any lot or building, which may endanger public health.

tal to the public health, and generally the abating of all nuisances injurious to the public health.

SEC. 261. The Board of Health shall have full power and authority to require the owner or occupant of any lot or building in the city to remove or remedy anything on said lot or building, which, in the opinion of the Board, may endanger the public health; and on failure of the owner or occupant to remove or remedy the same, after notice, the Board shall have the same done at the expense of said owner or occupant, the said amount to be recovered in any court of competent jurisdiction, and the owner or occupant shall be further subject to a fine not exceeding twenty-five dollars or imprisonment not exceeding ten days.

Ib., § 4.
Sanitary inspectors.

SEC. 262. The Board of Health or Health Officer shall appoint four sanitary inspectors, whose districts and duties shall from time to time be prescribed by the Board, and whose salaries shall not exceed the sum of fifty dollars a month each. Among the other duties it shall be incumbent upon each of said inspectors to visit every lot in his district at least once a month, and to report to the Board of Health anything they may find which tends to endanger the public health; and in course of such inspection to examine all privy vaults and carry out such instructions as may be given by the Board.

Ib., § 5.
Powers in regard to buildings, excavations, &c.

SEC. 263. The Board of Health may order or cause any building, excavation, matter or thing, or the sewerage, drainage or ventilation thereof, which shall be regarded by the said Board as in a condition dangerous or detrimental to health, to be removed, suspended, altered, or otherwise abated, as said Board shall direct; and they may also order any substance, matter or thing left in any lot, building, street, alley, or other place, which said Board may regard as dangerous or detrimental to life or health,

to be speedily removed to some proper place to be designated by them. On failure of any party to obey the directions and orders of the Board of Health, such person shall be subject to a fine not exceeding twenty-five dollars or imprisonment not exceeding ten days.

Penalty.

SEC. 264. The Board of Health may enact such by-laws, rules and regulations as it may deem advisable, in harmony with the provisions and purposes of this subdivision, and not inconsistent with the Constitution or laws of this State; and from time to time may alter, annul, or amend the same. They shall also have power to declare what shall be deemed nuisances injurious to health, and to provide for the removal thereof, and to make and enforce regulations to prevent the sale of unwholesome food.

Nuisances.

Ib., § 7.

By-laws, rules
and regulations.

SEC. 265. It shall be the duty of every physician or other person who may be called upon to attend any person with any infectious, contagious or pestilential disease in the City of Charleston, to report to the Board of Health within twenty-four hours after the ascertainment of such disease, the nature of the disease, and the premises on which the same may be. *Provided however*, that if there should be no attending physician it shall be the duty of the owner, occupant or lessee of any premises on which a case of infectious, contagious or pestilential disease shall occur, to report the same to the Board of Health in like manner as hereinbefore ordained. Any physician or other person who shall violate any of the provisions of this section shall be subject to a fine of not more than fifty dollars or imprisonment not exceeding thirty days.

Penalty.

March 25, 1884.
Infectious or
contagious dis-
eases to be re-
ported.

SEC. 266. It shall be the duty of the police, whenever called upon, to execute the orders of the Board of Health; or the Board of Health may execute such orders through its own officers or persons;

Mar. 30, 1875, §8.

Powers of
Board of Health
in the execution
of orders.

and in the execution of said orders, such officers or persons shall have, in all matters relating to the exercise of their duties, all the powers and authority exercised by the police force.

May 14, 1901.
Oct. 10, 1893.

Penalty for obstructing or resisting Board of Health.

Oct. 10, 1903.
Ib. § 10.

Penalty for neglecting or refusing to comply with orders, &c., of Board of Health.

Hides, Bones, etc.

Unlawful to sell diseased and unwholesome food.

Adulterated food.

SEC. 267. If any person shall obstruct or resist the Board of Health or any member thereof, or any person by them appointed in the execution of the powers to them given, or in the performance of the duties enjoined on them by this or any other ordinance in relation to the public health, such person shall be subject to a fine not exceeding one hundred dollars or imprisonment not exceeding thirty days.

SEC. 268. If any person shall violate any of the provisions of the preceding sections of this chapter or shall refuse or neglect to comply with any rule, regulation, order or notice of the Board of Health authorized by any of the said sections, and no other penalty is provided for such violation, neglect or refusal, such person or persons shall be liable to pay a penalty not exceeding fifty dollars, or to an imprisonment not exceeding thirty days for each offence.

SEC. 269. No person shall bring or cause to be brought into the limits of the City of Charleston, any hides, bones, peltry, rags or other articles whatsoever, which may tend to produce infection, or in any way to injure or endanger health.

SEC. 270. No person shall sell or offer or expose for sale, in public or private, any blown, stale, decaying, putrid, rotten or unwholesome provisions, vegetables, fruits or tainted meats or fish, or any impure or unsound food, or any drink liable to be injurious to health, or the flesh of any animal that has died of disease, or which was diseased when killed.

SEC. 271. No person shall adulterate or cause to be adulterated any substance intended for food, or any drug or medicine, or shall offer for sale any such adulterated article.

SEC. 272. No distiller, brewer, or keeper of any workshop, manufactory or laboratory, or warehouse keeper or owner, or soapboiler, chandler, or other person, shall have, keep, or use, produce or store, within the limits of the City of Charleston, foul, fetid, putrid or offensive or injurious matters, substances or odors or vapors liable to injure health, and on complaint of the Chairman of the Board of Health and the Health Officer, unless it be at once discontinued, and his honor, the Mayor, shall order such places to be forthwith closed and such business stopped, the continuance of which is liable to injure health.

Putrid, offensive
matter not to be
produced or stored
in City limits.

SEC. 273. The Health Officer shall remove or cause to be removed any foul or offensive matters whatever to such place or places as may be selected by said Board of Health at the expense of the owner of said matter, or the occupant or owner of the premises where the same may be, and he shall have authority to call upon the police department to assist him in the enforcement of this provision.

Removal of
foul or offensive
matter.

SEC. 274. All slaughter houses, dairies, stables, and other places where animals are kept for any purpose whatever, shall be kept clean and wholesome by removal of all ordure, urine and other offensive matters, and by suitable cleansing as often as may be necessary in the opinion of the Health Officer.

Slaughter
houses, stables,
etc., to be kept
clean.

SEC. 275. No lot shall be used for building purposes in the City of Charleston until the same shall have been inspected by the City Surveyor, who shall give a certificate that such lot is filled above the level of the pavement and graded so as to be effectually drained, and upon such certificate all owners, agents, contractors and builders are required to obtain permits from the Board of Health before commencing the erection of any building.

Lots to be filled
and drained be-
fore houses are
built.

SEC. 276. All owners and agents of dwelling

Water supply.

houses shall provide that the same be amply supplied with hydrant water or with a cistern or cisterns having a suitable capacity, and whose lower water level is above ground.

Defective vaults.

SEC. 277. Whenever any privy vault shall be found defective or leaky, the Board of Health, through its proper officers, may order the same to be emptied or repaired or to be rebuilt.

Vaults to be cleaned.

SEC. 278. Whenever any privy vault shall be filled within one foot of the surface thereof, or whenever the Board of Health through its proper officers shall so order, such privy vault shall be emptied by the owner, agent or tenant within forty-eight hours after notice, under penalty not exceeding twenty-five dollars, and in default of payment of the fine, imprisonment not exceeding thirty days in the county jail; provided that in all cases when the tenant or lessee shall have assumed in writing the obligation of emptying said privy vaults, the penalty shall be inflicted upon the tenant or lessee, and not upon the owner or his agent..

Small pox—removal of cases.

SEC. 279. The Board of Health may remove or cause to be removed to hospital, or other place of treatment, any person or persons suffering from smallpox, whenever such removal shall, in the discretion of said Board, be deemed necessary for the proper treatment of such person or persons, for the prevention or spread of such disease.

Conveyance of offensive matter through streets.

SEC. 280. Any vidanguer, agent or employee of vidanguer, or any other person who shall convey through any street or public way of the City of Charleston, any excrement not thoroughly deodorized, as required, shall be liable to a fine not exceeding twenty-five dollars, and in default of paying such fine, such offender shall suffer imprisonment in the county jail not exceeding thirty days. Any person who shall convey through such street or public way other odure, foul or offensive matter,

except in such receptacles as shall be approved by the Health Officer, shall be subject to a like penalty and suffer in the same manner as prescribed above.

SEC. 281. The members of the Board of Health and its agents, officers and employees, and the members of the Charleston Police Force, and the Recorder of the City of Charleston are specially charged with the enforcement of this Ordinance.

SEC. 282. The penalty for each and every violation of any of the foregoing sections or parts of this Ordinance shall be a fine not exceeding twenty-five dollars recoverable before the Recorder of the City of Charleston, or, in default of the payment of the fine, imprisonment not exceeding thirty days for each and every offence.

Health Officer.

SEC. 283. A Health Officer shall be elected by the City Council on the second Tuesday in January, A. D. nineteen hundred and five, and on the same day in every fourth year thereafter, whose duty it shall be to keep his office located in the city hall or in some convenient place in that immediate vicinity, to be approved by the City Council, open from 9 o'clock a. m. until 3 o'clock p. m., every day, Sundays and holidays excepted, for the convenience of the citizens; and keep a record book for complaints or notices of nuisances to be attended to by him. He shall prepare and publish weekly bills of mortality; keep a public register of all deaths which take place in the City; inquire into the cause of all epidemical diseases, and report the same to the Board of Health, or to the Mayor; make inquiries concerning the state of public health, when required, and report to the Mayor or Board of Health. He shall submit to the City Council on the first Monday in January of each year, a full report, showing the

July 9, 1889.
Duties of the
Health Officer.

duties performed, the state of public health during the past year, a record of births, deaths and marriages, and shall submit such suggestions and recommendations as he may deem expedient and proper.

Ib., § 2.

Shall be Secretary of the Board of Health.

Shall carry out all orders of the Board of Health.

Ib., § 3.

Shall keep a record of reports of City Physicians.

March 5, 1895.

Salary.

March 10, 1903.

Clerk of Health Officer.

SEC. 284. The Health Officer shall be Secretary of the Board of Health. He shall furnish to the Board, when desired, such information in regard to public health as may be necessary, and report any improvements or alterations, in buildings or streets, that in anywise affect the general health of the City. He shall receive from the sextons the burial certificates, keeping a record of the same; and report to the Mayor all violations of the Ordinances concerning burials, that come under his notice. He shall attend the meetings of the Board of Health, and carry out all orders of the Board, or of the Mayor, in relation to the sanitary regulations of the City; and from time to time, and whenever ordered to do so, by the Mayor or Board of Health, make a thorough and systematic examination of the City; and he shall cause all nuisances to be abated with reasonable promptness.

SEC. 285. The Health Officer shall keep a record of all reports rendered from the City Dispensary Physicians, the Shirra's Dispensary Physicians, and the City Hospital Physicians; shall tabulate all such reports; and at the end of each year, including the 31st of December, shall present them to the City Council, with his reports concerning his own specific duties.

SEC. 286. No officer or clerk in the Health Department or Health Officer's office shall be employed without the sanction of the Board of Health.

SEC. 287. The salary of the Health Officer shall be eighteen hundred dollars per annum, payable monthly.

SEC. 288. The Board of Health shall elect annually, in January, a clerk to the Health Officer,

who shall hold his office for one year, and who shall perform such duties as may be required of him by the Board of Health. The salary of the said clerk shall be one thousand dollars per annum, payable monthly.

City Dispensary Physicians.

SEC. 289. That at the annual election of City officers in January, City Council shall elect six dispensary physicians, who shall have charge of the indigent sick of the City.

SEC. 290. That the City of Charleston shall be divided by the Board of Health into six health districts, and that the said Board shall assign to each of the said physicians one of the said health districts.

SEC. 291. That the physicians so assigned shall have their offices within the districts to which they are severally assigned, shall be subject to the provisions of the General Ordinances and all amendments thereto relating to City Officers, and during the term of their service shall not hold any other professional office or appointment without the consent of the Board of Health.

SEC. 292. That a dispensary physician changing his residence from the district to which he was assigned thereby vacates his office, and an election to fill such vacancy will be held by the City Council. That no temporary substitute shall be made without the authority and concurrence of the Board of Health.

SEC. 293. That no physician elected under this Ordinance shall be allowed under any circumstances to hold the office of a City Dispensary Physician for more than four years, nor shall any physician who has held the office of City Dispensary Physician for four years under any previous Ordinance be eligible for election under this Ordinance.

April 26, 1892.
Physicians to
the poor—Elec-
tion of.

City to be di-
vided into six
Districts.

Shall reside in
their Districts.

Change of resi-
dence from Dis-
trict vacates
office.

Not longer than four
years.

Not to engage
in private practice.

SEC. 294. That neither of the aforesaid city dispensary physicians shall, during the period he holds office, engage or be employed in any private medical practice for gain.

To answer all
calls.

SEC. 295. That these dispensary physicians shall answer calls at all hours, and shall, without charge, attend the indigent sick resident in their respective districts, and shall always carry with them a pocket case of medicines for use in emergency. They shall have power to issue permits for the admission into the wards of the City Hospital of such indigent sick as in their judgment may require hospital care and treatment.

Complaints.

SEC. 296. That all complaints originating in the care of the indigent sick of the City shall be adjudicated by the Board of Health, under such rules as they may from time to time establish.

Physicians to
report monthly.

SEC. 297. That each dispensary physician shall make a tabular report monthly to the Board of Health, and he shall also make a quarterly report to the said board of all important matters connected with his office and duties.

Salary.

SEC. 298. That the salary of the said physicians shall be at the rate of six hundred dollars per annum, with an additional allowance of one hundred and fifty dollars for horse feed, and one hundred dollars for office rent; being a total of eight hundred and fifty dollars per annum, payable monthly, for each of the said physicians.

City Apothecaries.

Shall furnish
medicines ordered
by Physicians.

SEC. 299. That the Board of Health shall elect annually six apothecaries, one for each Dispensary district, and each of the said apothecaries shall have his place of business within the district for which he has been elected. These apothecaries shall furnish such medicines and fill such prescriptions for the indigent sick as shall be ordered by the Dispensary Physicians of their respective districts, and for such medicines and service they shall receive the

sum of five hundred dollars each per annum, payable monthly. Compensation.

SEC. 300. That the Board of Health shall prepare such rules for the guidance and control of the Dispensary Physicians and apothecaries as in their judgment shall be most conducive to the interests of the sick poor of the City. The Board shall also furnish all blanks for necessary reports. Rules.

Births and Marriages.

SEC. 301. That every physician, mid-wife, or other person who may professionally assist or advise at any birth, shall make and keep a registry of every such birth, and therein enter the time and place of such birth, and the sex and color of every child born, and the names, color, occupation and residence of each of the parents, so far as such facts can be ascertained; and every clergyman, magistrate or other person who may perform a marriage ceremony shall make and keep a registry of the marriage celebrated, and therein enter the full names of the parties married, the time and place of such marriage celebrated, and therein enter the full names of the parties married, the time and place of such marriage, the color, age, residence and condition of each. That it shall be the duty of every person mentioned in this section to present to the Health Officer a copy of such register, signed by such person, or a written statement by him or her signed, of all the facts required to be entered in such registers, within three days after the birth or marriage of any person to whom such registry may or should relate.

SEC. 302. That every person who shall omit to make and keep the registry hereinbefore required, or who shall omit to report a written copy of the same to the Health Officer within three days after

Oct. 12, 1877.
Physicians to
keep registry of
births, etc.

Clergymen to
keep registry of
marriages, etc.

To be present-
ed to Health Offi-
cer within three
days.

Penalty for fail-
ure of, or false
returns.

any birth or marriage, or who shall wilfully make a false or fictitious entry in his or her record of births or marriages, or in the certified copy of such register delivered to the Health Officer, shall be subject for each and every such omission or false entry to a fine of not more than fifty dollars; and in default of paying the same, shall suffer imprisonment not exceeding thirty days.

March 3, 1900.

Removal of dead animals.

Superintendent of Streets to be notified of death of animals.

Suitable person to be appointed to remove dead animals.

Compensation.

Penalty for violation.

SEC. 303. That no person or persons, firms or corporations, save and except the duly authorized and appointed representatives of the City of Charleston, shall be allowed to remove any dead horse, mule, cow, heifer, bull, ox, calf, or other cattle from the place where such animal came to its death.

SEC. 304. That immediately upon the death of such animal above named, the owner or owners thereof shall notify the Superintendent of Streets at his office in the City Hall, giving him full information as to the kind of animal, and the place where the same can be found.

SEC. 305. It shall be the duty of the Superintendent of Streets on the 2d day of January of each and every year, to appoint a suitable person, whose duty it shall be to convey all such dead animals out of the city limits within twenty-four hours from the time of the receipt of the notification of the death of such animal, such person so appointed to receive from the owner or owners of the dead animal as compensation therefor the sum of fifty cents, if so much be necessary, for each and every animal so hauled or conveyed beyond the corporate limits of the City of Charleston; and fifty cents, if so much be necessary, from the City of Charleston, to be paid by the Superintendent of Streets out of the funds of the street department.

SEC. 306. Any person or persons, firms or corporations violating any of the terms of this Ordinance shall upon conviction, be fined ten dollars or imprisoned for thirty days.

SEC. 307. That no person or persons, firm or corporation, shall erect, build or construct, or have erected, built or constructed, any cistern, tank, barrel or other receptacle for the purpose of catching, receiving or holding rain water below the surface of the earth, but shall be so constructed and placed that, when filled partly or entirely with water, such water shall be above the surrounding ground.

Sept. 11, 1900.
Unlawful to
build cisterns or
tanks under-
ground.

Any person or persons, or any member or members of any firm, or any officer or officers of any corporation who shall be found guilty of violating this Ordinance shall be fined one hundred dollars, or suffer imprisonment for thirty days.

Penalty.

SEC. 308. If any filth, dirt, rubbish or animal or vegetable matter shall at any time be found in any street, alley, or lane, contrary to the provisions of this Ordinance, it shall be deemed and taken to have been placed there from the lot nearest thereto, and the owner, occupant, lessee or tenant of such lot shall be fined accordingly, unless he or she can make it appear to the satisfaction of the Mayor or Board of Health, as the case may be, that it was placed there by some other person, in which case the person guilty of the offence shall be liable to a fine of not less than twenty dollars nor more than fifty dollars, or be subject to imprisonment not exceeding ten days. *Provided*, That where the owner, occupant, lessee or tenant of such lot shall deny that such dirt, filth or rubbish was thrown from his or her lot, and shall, upon being notified thereof, forthwith make oath that he or she doth verily believe that the same was not taken, carried or thrown out from his or her lot, the person so swearing shall be relieved from the said penalty; *Provided always*, that nothing in this section contained shall be construed to extend to the making of drains, filling up low lots, or to the removal of other nuisances than those above specified, which shall be dealt with according

Sept. 27, 1836.
Filth found on
street shall be
deemed to have
been placed there
from the nearest
lot.

Proviso.

to the laws now in force, or hereafter to be prescribed.

July 27, 1880.

Notice to be given for connection with public drains.

SEC. 309. That all persons, companies or corporations, intending to open any public drain, to make house or other connections with the same, shall give timely notice to the Street Department, so that they may make all the necessary examinations by levels of the locality to be drained, and study out and specify the mode and manner of such drainage, and its connections with the public drains, as now provided to be done in all streets where the public drains are built; and any party opening a public drain without giving said notice, and acting in accordance with existing rules of the Board of Health thereto belonging, shall be liable to a penalty of fifty dollars or imprisonment not exceeding ten days.

June 15, 1897.

Surface of earth not to be disturbed between 1st of June and 1st of October.

Penalty.

Exceptions.

SEC. 310. Except by express permission of the Board of Health, to be given in writing, it shall not be lawful to dig up or disturb the surface of the earth, within the limits of the City, between the first day of June and the first day of October, in any year, for the purpose of paving the streets, of excavating for drains, of laying down gas or other pipes, or of carrying on any other public improvement, and any person or persons, or incorporated company offending herein, shall be subjected to a penalty of \$500, for each and every offence, to be recovered for the use of the City in any Court of competent jurisdiction: *Provided*, that any incorporated company or their agent or agents may, with the consent of the Mayor, at any time during the year, lay down service pipes in any street, lane or alley of the City in which main pipes have been already laid, upon the express condition and proviso, however, that between the first day of June and the first day of October in every year each piece of service pipe shall be laid and the earth and pavement restored,

during the day in which the surface of any street, lane or alley is opened for the aforesaid purpose.

SEC. 311. That the Board of Health are hereby authorized to enact all rules and regulations necessary to carry out effectually the provisions of the two preceding Sections.

Ib., § 5.
Board of Health
to enact rules for
purpose.

Privies and Vaults.

SEC. 312. It shall not be lawful for any vault or privy to be constructed at less than ten feet distant from the line of any street, lane or alley; and if any of the owners, tenants or occupants of any lot of land within the limits of the City shall construct or erect any vault or privy thereon, at the distance of less than ten feet from the line of any street, lane or alley, such person or persons so offending shall be subject to a penalty of one thousand dollars, to be recovered in any court having jurisdiction. Such person shall be also subject to imprisonment not exceeding thirty days.

Aug. 20, 1836.
Unlawful for
any privy to be
constructed less
than ten feet
from the street.

Penalty.

SEC. 313. Privies on lots within the City shall be so constructed that the contents thereof cannot escape therefrom or overflow; and whenever any vault or privy becomes offensive, the same shall be cleansed; and the owner or occupant of the premises on which any vault or privy may be situated, the condition of which shall be in violation of this section, shall remove, cleanse, alter, amend, or repair the same, within a reasonable time after notice in writing to that effect shall be given by the Board of Health. In case of neglect or refusal, the same shall be performed by order of the said Board of Health, at the expense of the owner or occupant of such premises; to be first paid by the City, and then recovered, with interest, from such owner or occupant, in any Court having jurisdiction; or be subject to imprisonment not exceeding thirty days.

April 11, 1837.
Privies to be
constructed so
that the contents
cannot overflow.

Aug. 13, 1851.

Unlawful for any person to connect any privy or water closet with the city drains.

Penalty.

Penalty on persons engaged in constructing same.

March 30, 1875.

Privy vaults to be cleaned once a year.

SEC. 314. It shall not be lawful for any person or persons except by written permission from the Health Department, to connect any vault, privy, or water-closet upon any lot, with any of the drains of the City, or to discharge or convey the contents thereof into any such drains; and any person or persons offending herein, whether he or they be the owners or occupants of such lots, shall forfeit and pay to the City the sum of one thousand dollars for each and every offence; and, also, a further additional sum of one hundred dollars for each and every day that the said grievances, or any of them, shall continue, after written notice from the Mayor or Board of Health to abate or discontinue the same. And any person who shall be concerned or engaged in the building or construction of any means or conveyance or connection for the purposes aforesaid, or any of them, shall, for each offence, be fined a sum not exceeding one hundred dollars. Such person shall be also subject to imprisonment not exceeding thirty days.

SEC. 315. All privy vaults shall be cleaned once a year, or as frequently as may be deemed necessary by the Board of Health; and the contents thereof shall be removed only in air-tight vessels, to be approved by the said Board of Health: and no person shall engage in the business of emptying the said privy vaults without first obtaining a license from the said Board of Health.

Low Lots.

April 11, 1837.

Low lots to be examined by a Board of Inspection.

SEC. 316. Whenever it shall appear to the Board of Health that any low lots or vacant grounds are in a condition to injure or endanger the public health, it shall be the duty of the said Board of Health to appoint a Board of Inspection to be composed of the Health Officer and four members of the

Board of Health (any three of whom shall be a quorum,) whose duty it shall be to enter upon and thoroughly examine such lots or vacant grounds, and determine by the vote of not less than three of the said Board, whether such lots or vacant grounds shall be drained, filled up, levelled, or otherwise so improved, as to remove the nuisance and evil there complained of or existing. And should the said Board of Inspection be of opinion that such lots or vacant grounds ought to be filled up, levelled or drained, they shall submit a detailed report to the City Council, setting forth the actual condition thereof, and suggesting the mode, materials, and extent to which such low lots or vacant grounds shall be filled up, levelled, or drained; upon which report Council shall take such order and direction thereon as they may deem expedient.

Reports to be made to Council.

SEC. 317. In case Council shall order the report of said Board of Inspection, made as aforesaid, to be carried into effect, or shall direct such low lots to be filled up, levelled, or drained, it shall be the duty of the Health Officer to serve a notice, in writing, on the owner or owners of such low lots or vacant grounds, directing said owner or owners to have such lots or vacant grounds filled up, levelled, or drained, as Council may require, to such extent, in such manner, with such materials, and within such reasonable time as may be prescribed by the said order of the City Council. And, in case of neglect or refusal of such owner or owners to obey said notice it shall be the duty of the Health Officer to cause such lots or grounds to be filled up, levelled, or drained in the manner prescribed in the said notice, under the order and direction of the said Board of Inspection. The expenses and charges paid or incurred in case such lots or grounds shall be filled up, levelled or drained, under the order of the Board of Inspection, shall be paid, in the first instance, out

Notice to be served on owners of lots.

In case of neglect or refusal on part of owner, Health Officer to fill said lot.

Expense to be paid out of Treasury and afterward recovered.

of the City Treasury, and shall afterwards be recovered, with interests and costs of suit in an action of debt, to be brought by Council in the Court of Common Pleas, against the owner or owners of such lots or grounds. The City Surveyor or Assistant Surveyor shall, whenever required, attend the said Board of Inspection on the examination of low lots and grounds, and under their direction make plans for filling, levelling and draining the same.

*City Surveyor
to attend Board
of Inspection.*

*Powers of
Boards in rela-
tion to drains
and cellars.*

SEC. 318. The said Board of Inspection shall have power to order private drains leading from pumps, wells or other places on private lots into the public drains of the City, to be built, repaired and altered in such manner and within such time as they may direct; notice of which shall be served in writing by the Health Officer upon the owners or occupants of said lots. The said Board shall, in like manner, cause all cellars to be drained or filled up, and houses to be cleansed and all nuisances prejudicial to the health of the city, to be removed. And in case the owners or occupants of any lot shall neglect or refuse to comply with such notice the said Board of Inspection shall have the power to cause their order, as expressed therein, to be carried into effect by the Health Officer, at the expense of the owners or occupants aforesaid; to be paid in the first instance out of the City Treasury, and afterwards to be recovered, with interest and costs, in any court of competent jurisdiction by an action against such owners or occupants.

*Penalty for dis-
obeying Board of
Inspection.*

SEC. 319. If the owner or occupant of any lot, ground, house, cellar, vault or enclosure, or any other person found thereon, shall refuse or delay to open the same and suffer it to be examined by the Board of Inspection or the Health Officer, acting under their orders, or shall in any wise molest, interrupt, hinder, obstruct, or oppose any member of said Board, or the Health Officer, in the discharge

of any of the duties prescribed herein, or of the workmen, laborers or agents employed by the said Board, or the Health Officer, in the performance of any work ordered by the said Board, or Health Officer, in execution of the duties herein required, such owner or occupant, or other person offending herein, shall be subject to a penalty not exceeding one hundred dollars for every such offence or imprisonment not exceeding thirty days.

SEC. 320. The owner of any low lot or grounds, which shall be found by the said Board of Inspection in a state of nuisance, and the owner or occupant of any lot, ground, cellar, vault or enclosure, on which any nuisance contrary to the provisions of this subdivision shall be found by the said Board, shall, notwithstanding their liability for the charges and expenses attending the filling up, levelling or draining such low lot or grounds, and removal of other nuisances, be subject to a penalty not exceeding twenty dollars for each low lot or ground found in a state of nuisance, or for each lot, ground, house, cellar, vault or enclosure, on which such other nuisance shall exist. And the owner or occupant, as aforesaid, shall, moreover, be subject to a penalty not exceeding five dollars for each day said nuisance shall remain in such lot, ground, house, cellar, vault or enclosure contrary to the notice hereinbefore directed to be served for the removal thereof.

SEC. 321. The Health Officer immediately after any lot shall be filled up, levelled, or drained, or any cellar filled up, or other nuisance removed by order of the Board of Inspection, under the authority of this subdivision, shall furnish to the owner thereof a particular statement in writing of the charges and expenses incurred; and also make a demand in writing of said owner, for payment of the same; and he shall thereupon return, under oath, to the City Treasurer, a duplicate of such statement and de-

Penalty on lot
owners.

Health Officer
after lots are
levelled and
drained to de-
mand payment.

mand, with a copy of the notice originally served. And for default in the performance of any of the duties required of the Health Officer under this subdivision, he shall be liable to be fined by the Mayor, in a sum not exceeding ten dollars for each neglect, refusal, or omission, to be deducted from the amount of his salary. And all notices shall be personally served by the said Health Officer on the party to whom they shall be addressed, or in case of absence from the State or County, upon the authorized agent or attorney of said party; and where so served upon such agent or attorney, it shall be deemed a service upon the owner of such lot or premises, so as to authorize the action of the Board of Inspection, in executing, through the Health Officer, their orders and directions upon the default or refusal to comply with said notice as herein provided.

Notice to be personally served.

Interments and Cemeteries.

July 2, 1836.

No new burial grounds to be established.

Penalty.

Feb. 28, 1899.
Penalty for interments in any other burial ground than those already established.

SEC. 322. It shall not be lawful for any person or persons, or bodies politic and corporate, to establish or use within the limits of the City, any place or places for the burial of the dead, except such as are already established for those purposes. And if any person or persons, or body politic or corporate, shall presume to establish any such place or places for the purposes aforesaid, such person or persons, body politic or corporate, shall, for each and every offence, forfeit and pay to the use of the City, the sum of one thousand dollars; and also forfeit and pay daily, and every day that such place or places are, or may be kept and used for such purposes, the sum of one thousand dollars, to be recovered in any court having jurisdiction thereof.

SEC. 323. If any person or persons shall presume to bury any dead in any other burial ground or place within the limits of the City except in such

as are already set apart and devoted to such purposes, such person or persons shall forfeit and pay for each and every offence the sum of one thousand dollars, to be recovered in any Court having jurisdiction, one moiety of which penalty shall go to the informer and the other moiety to the City.

And any person who shall be convicted in the Recorder's Court in the City of Charleston for a violation of this section shall pay a fine of not more than one hundred dollars, or be imprisoned for a period of not more than thirty days.

SEC. 324. It shall not be lawful to open any grave, either in private lots or elsewhere, within the City of Charleston, which contains the remains of a previous burial, for the purpose of a new interment. And before any such grave can be opened for the purpose of removing the dead, a written permit shall be obtained from the Health Officer of the City, which shall specify the name of the deceased, the grave-yard or ground from which the body is to be removed, and its proposed disposition; which permit shall be countersigned by the sexton or some other officer of the church or corporation, after the removal, and shall then be filed in the office of the Health Officer.

SEC. 325. It shall not be lawful to inter any dead body in any grave within the City of Charleston, or to prepare any such grave for the reception of any dead body, unless such grave be of the depth of at least six feet.

SEC. 326. It shall not be lawful to inter, within the limits of Charleston, (Potter's Field and the place or places appointed excepted,) any person who is not a pew-holder or worshiper in some one of the churches that now have the right of burial, or who is not an owner of a private burial-ground within the grave-yard of some one of said churches, or a member of the immediate family of a pew-holder or owner of a lot.

July 5, 1874.

Unlawful to open any grave containing grave of previous burial.

Permit for removing dead body.

Graves to be at least six feet deep.

No person to be interred within the City who is not a pew-holder or worshiper in some Church.

Not lawful to construct vaults exposing remains of previous interments.

SEC. 327. It shall not be lawful hereafter to construct, within the City of Charleston, any vault above or below ground, for the reception of the dead; and no vault now so constructed as to expose to view the remains of any body already interred, shall be opened to receive any additional bodies; and no vault or tomb shall be opened to receive, for temporary deposit, the remains of any stranger or person not entitled by this sub-division to sepulture within the City..

Penalties for violating Sections 324, 325, 326 and 327.

SEC. 328. Any person or persons, or body politic, that shall violate any of the provisions contained in sections 324, 325, 326 and 327, or shall be concerned in the violation thereof, shall be subject to a penalty of two hundred dollars for each offence; one moiety for the informer, and the other moiety for the benefit of the City Treasury. These penalties to be recovered in any court of competent jurisdiction.

May 21, 1850.

Board of Health to appoint Committee on Burial Grounds.

SEC. 329. It shall be the duty of the Chairman of the Board of Health to appoint a committee from said Board, whose special duty it shall be to inspect all cemeteries, burial-grounds, and vaults for the dead within the City, and the Board shall have power to grant licenses to hearse-keepers, sextons, and other persons in charge of any place of burial within the City, under such rules and regulations as said Board may, from time to time, deem expedient and necessary, subject to the approval of the City Council, and not contrary to the provisions herein contained.

Jany. 11, 1881.

Hearse keepers to be licensed by Board of Health.

SEC. 330. No hearse-keeper, or other person in charge of any hearse, shall receive or carry any corpse or dead body until he shall have first obtained a license from the said Board, nor until he shall first have been supplied with a certificate of the kind hereinafter required to be furnished by the attending Physician or Coroner; and further obtain

from the office of the Health Officer, a burial permit in the following form, viz:

SEC. 331. *Burial Permit No. —*

Before this body leaves the City, the ^{Form of Permit.} ferry or bridge-master or transportation agent, will tear off and destroy this coupon. If otherwise detached from the permit, the coupon must not be received.

No. —. HEALTH DEPARTMENT,

BUREAU OF VITAL STATISTICS,

Charleston, S. C., _____ 19____.

Permission is hereby given to remove the remains of _____, age _____, occupation _____, place of birth _____, place of death _____, date of death _____, cause of death _____.

To _____, for interment.
_____, Health Officer.

(See back of this Permit.)

This permit must in all cases accompany the body to its destination.

Keepers of cemeteries in Charleston will make returns of all permits for burials to the office whence issued, Monday of each week.

The back of which said permit shall contain the ^{Reverse side.} following:

"Ferry or bridge-masters, transportation agents, superintendents of railroads and steamboat lines, &c., will deliver a body entering Charleston to the person having this permit. The coupon must be detached only in case of a body leaving the City."

And it shall be his or their duty to deliver the said certificate and burial permit, with the dead body, ^{Shall deliver certificate to sexton.}

Penalty for neglect.

May 21, 1850.

No interments to be made in any place without a license from Board of Health.

Sexton to enter certificates in a book and return originals to Board of Health.

Penalty.

Jan. 11, 1881.

Board to furnish blank certificates to physicians.

to the sexton, or other person in charge of the burial-ground in which it is proposed to inter such dead body, whenever such burial-ground is within the limits of the City; and whenever such burial-ground is without the limits of the City, the said certificate, or a duplicate thereof, shall be delivered by said hearse-keeper or other person in charge of the hearse, to the Health Officer, on the day of interment, under a penalty of twenty-five dollars for each and every failure or neglect so to do, and for any and every violation of the provisions of this sections 330 and 331.

SEC. 332. No sexton of any church, or other person having charge of any cemetery, vault or other burial-ground, shall make, or permit to be made, any burial within the same, until he shall have first obtained his license from the Board of Health for that purpose; nor shall he permit any dead body to be interred therein until he shall first have received from the hearse-keeper or other person in charge of the hearse, such certificate and burial permit as he is required by this Ordinance to deliver with such dead body; and it shall be the duty of such sexton or other person in charge of any place of burial, to enter said certificate or certificates, and burial permit or permits in a book, to be furnished by him for that purpose, and to deliver the original certificate or certificates, and burial permit or permits, each day, as received, to the said Health Officer, and for any and every violation hereof, he shall forfeit and pay, for the use of the City, fifty dollars, or be imprisoned not more than thirty days.

SEC. 333. The said Board shall furnish to each practicing physician and the Coroner of St. Philip's and St. Michael's, blank certificates, in the form following, viz:

Certificate of Death.

1. Full name of deceased _____. (Write legibly and spell correctly. If an Infant not named, give Parents' names.)
2. Age ____ years ____ months ____ days. Color ____.
3. Single, married, widow or widower. (Cross out the words not required in this line.)
4. Occupation _____.
5. Birthplace (State or Country) _____. (How long in the United States, if of foreign birth.)
6. How long resident in this City _____.
7. Father's birthplace (State or Country) _____.
8. Mother's birthplace (State or Country) _____.
9. Place of death (please state the name, if an Institution) ____ No. ____ Street, ____ Ward.
10. Residence before admission into the Institution ____ (name of street and number of house.)
11. I hereby certify that I attended deceased from ____ , 19____, to ____ , 19____; that I last saw ____ alive on the ____ day of ____ 19____; that ____ died on the ____ day of ____ 19____, about ____ o'clock A. M. or P. M., and that the cause of ____ death was ____.

First (primary) _____.
Second (immediate) _____.
All the above information should be furnished by the Physician.

Place of burial _____.
Date of burial _____.
Undertaker _____.
Place of business _____.
Time from attack till death (write opposite each cause. If unknown it should be so stated.)

Signed by _____, M. D.,
Medical Attendant.

Address _____.

Duty of physicians on death of patient to fill up certificate.

In case of death without an attending physician, coroner to furnish certificate.

Penalty for neglect.

May 21, 1850.

The duty of the Committee of the Board of Health to visit cemeteries, inspect construction of vaults, etc.

May make alteration at expense of owner.

SEC. 334. And when any person shall die in the City, the physician or surgeon who shall have attended such person, as physician or surgeon, shall fill up the blanks in such certificate, to the best of his knowledge, and sign the same, with his name, and shall deliver the same to some member of the family in the house where such person shall have died; in cases where the interment is to take place without the limits of the City, the attending physician or surgeon shall deliver, as above, a duplicate certificate; and in case any person shall die in the City, unattended by any physician or surgeon, it shall be the duty of the coroner to furnish such certificate; and for each and every neglect of the duty herein required, each and every person offending shall forfeit and pay, for the use of the City, twenty-five dollars, or be imprisoned not more than thirty days.

SEC. 335. It shall be the duty of said committee on cemeteries, burial-grounds and vaults of the Board of Health to see specially to the proper execution of this part of the duties of the said Board; and it shall also be the duty of such committee, at such times, and as often as they may deem it expedient, to visit all cemeteries, vaults, and burial-grounds, and to give such directions about the depth of graves as they may deem expedient to preserve the public health; and it shall be their duty to inspect the construction of all vaults now built, or which may hereafter be built, and to order such alterations to be made in them, or any of them, as they deem the public health may require; and if any person shall refuse or neglect to make any alteration required by said committee, they, or a majority of them, are hereby authorized to have the said alterations made, at the expense of the owner thereof; and if any person liable to any expense, incurred as aforesaid, shall refuse or delay the payment thereof, the same shall be paid out of the City Treasury, and

be afterwards recovered by action at law from the person or persons so neglecting or refusing, together with a fine of fifty dollars for each and every such failure or refusal, or suffer imprisonment not exceeding thirty days.

SEC. 336. No other person than the Coroner, or a physician or surgeon, who has a diploma or license to practice from some regular medical college, shall give the certificate herein required to be delivered with dead bodies upon interment; and any person offending herein shall pay a fine of fifty dollars for each offence or be imprisoned for not more than twenty days in jail.

May 5, 1868.
Burial certificates, by whom given.

SEC. 337. It shall be the duty of every corporate body, or person or persons, owning, or having the care, control, or management of any public building, church-yard, or burial-ground, within the City, to cause such public building to be cleansed and swept, and the rank and offensive weeds growing on such grounds and yards to be pulled up, collected, and placed in heaps in the street, at the edge of the pavement, in front of such church-yard or burial-ground, and the filth or rubbish which may be collected in such public buildings to be placed in like manner in the street, at least once in every fortnight, and as much oftener as may be required by the Mayor or Board of Health. And also to cause the grass which may be growing on such burial-ground or church-yard, to be removed or cut, and taken away as often as in the opinion of the Board of Health the growth thereof may be so rank or luxuriant as to endanger the health of the City. For every neglect or refusal to discharge the duties enjoined by this section, the person or persons, or body corporate, so offending, shall be fined in a sum not less than ten dollars, nor more than fifty dollars, or, if an individual, be imprisoned in jail not exceeding thirty days.

March 30, 1875.
Public buildings, etc., to be cleaned.

Weeds in church yards to be removed.

SEC. 338. That all persons, companies or cor-

Penalty.

July 27, 1880.

Notice to be
given for con-
nections with
drains.

porations, intending to open any public drain, to make house or other connections with the same, shall give timely notice to the Street Department, so that they may make all the necessary examinations by levels of the locality to be drained, and study out and specify the mode and manner of such drainage, and its connections with the public drains, as now provided to be done in all streets where public drains are built; and any party opening a public drain without giving said notice, and acting in accordance with existing rules of the Board of Health thereto belonging, shall be liable to a penalty of fifty dollars or imprisonment not exceeding ten days.

Jan. 10, 1882.

Persons with
infectious dis-
eases not to be
removed in car-
riages.

Penalty.

SEC. 339. That no owner, driver, or other person having the charge of any hackney carriage, or other vehicle used as a public conveyance, shall receive, or permit to be placed, or convey in any manner, in or upon said carriage, or other vehicle, any person sick or infected with the small-pox or any other contagious disease, or the body of any person who had died of small-pox, or any other contagious disease, under penalty of fifty dollars. That the body of any person who dies of small-pox, or any other contagious disease, shall be removed in a licensed hearse, and in no other conveyance.

Dec. 26, 1882.

Glanders or
"Farcy."

Penalty.

SEC. 340. That it shall not be lawful for any person to bring or keep within the limits of the City of Charleston any horse or other animal having a disease known as *glanders* or "farcy." That the owner, agent, or any other person in charge of an animal so affected, or who may have knowledge of such an animal, shall forthwith report the same to the Board of Health, together with the name of such owner and the place where the animal is kept, and it shall be disposed of under the direction of said Board. Any person violating any of the provisions of this Section shall for each and every offence be

fined in a sum not less than ten dollars nor more than fifty dollars, or be imprisoned more than twenty days.

SEC. 341. It shall not be lawful for any person without the license of the Board of Health, to throw into or leave upon any street, court, square, lane, alley, wharf, public square, public enclosure, vacant lot, or any pond or body of water within the limits of the City of Charleston, the carcass of any dead animal, under a penalty of five dollars or imprisonment not exceeding thirty days for each and every offence.

SEC. 342. That it shall be the duty of the owners of all horses, mules, cows, or large animals, dying within the limits of the city, or the owner or occupant of the premises upon which such animals may die, to remove or cause to be removed within twelve hours after death, beyond the limits of the city, the body of such animal, under a penalty of five dollars or imprisonment not exceeding thirty days for each and every offence.

SEC. 343. That it shall be the duty of the occupants of the premises on which any dog, cat or small animal shall die to place the carcass of such small animal with the garbage from such premises to be removed, as is now provided by the Ordinances of the City of Charleston, under a penalty of two dollars or imprisonment not exceeding ten days for each and every offence.

SEC. 344. It shall not be lawful for any person to keep within the limits of the City, any hog or pig, under a penalty of ten dollars, and an additional sum of two dollars for every day that such hog or pig shall be kept, after notice from any City officer to remove the same; and such hog or pig shall be forfeited to the person seizing the same; and such or pig shall be forfeited to the person seizing the same.

Feb. 12, 1884.

Unlawful to throw carcass of any dead animal in street.

Penalty.

Carcass to be removed in 12 hours.

Penalty.

Carcass of small animal to be placed with garbage.

Penalty.

Aug. 29, 1837.

No hog or pig to be kept in the city.

Penalty.

No bull, ox or
steer to be kept,
nor more than
one cow.

Cow house to
be kept clean.

Cattle going at
large to be taken
up.

Cows may be
driven through
streets to pastur-
age.

April 28, 1896.
Oct. 20, 1903.

Garbage to be
placed in the
streets every day
by occupants of
all premises.

Time for plac-
ing out.

SEC. 345. It shall not be lawful for any person to keep any bull, ox, steer, nor more than one cow, in the City, unless such person shall keep such cows in a house floored or paved, and kept constantly clean and free from dirt; and if more than one cow shall be kept otherwise than is herein provided for, or if the cow-house shall at any time be found otherwise than perfectly clean and free from dirt, the owner or keeper of such cow or cows shall be liable to a penalty of five dollars, and an additional fine of two dollars for every day that such house shall so remain, after notice to comply with the law in this respect; and no cow, heifer, bull, ox, or calf shall be suffered to go at large in the streets, under the penalty of five dollars upon the owner or keeper thereof; and any cow, heifer, bull, ox, or calf, found going at large, may be taken up by any person, and retained till such penalty, and all expenses of keeping, shall be paid to the person taking up the same: *Provided*, be paid to the person taking up the same: *Provided*, That nothing herein named shall be construed to prevent cows from being driven through the streets to pasture, in charge of a competent driver, or with a view to bring them into, or removing them from the City.

SEC. 346. It shall be the duty of every owner of a lot, who may reside thereon, and of the owner of every vacant lot, and of every lot not having a known lessee or tenant residing thereon, and of every lessee, tenant or occupant of every lot, to cause said lots and the stables, cow houses and outhouses thereon to be carefully swept, and all the dirt, dung, soot, ashes, carrion, garbage, shreds, oyster shells, or other filth or rubbish, and all sweepings from shops and stores, to be placed in barrels, boxes or other suitable receptacles, and carried out every day (Sundays excepted) by the hour of 7 o'clock a. m., from the first day of May to the first day of

November in every year, and by the hour of 7:30 o'clock a. m., from the first day of November to the first day of May following, and the said boxes, barrels or receptacles, with their contents, upon being carried out as hereinabove required, shall be placed at the end of the pavement, opposite the respective lots, but so as not to obstruct the gutter, and in a situation from which the said contents may be conveniently removed by the Scavenger Department; *Provided, however,* that all trees and cuttings from trees, and all shrubs and weeds, may be placed in heaps in the street at the edge of the pavement, opposite said lots, every day after 6 o'clock p. m., excepting Fridays, Saturdays and Sundays, from the first day of May to the first day of November in every year, and after 5 o'clock p. m. from the first day of November to the first day of May following in every year, and any person offending herein by failure to comply with this Ordinance or any portion thereof, or by emptying any dirt, filth, garbage, or other offal in any street, lane, alley or open court, or placing in any barrel, box, or other receptacle containing dirt, filth, garbage or other offal in any street, lane, alley or open court, after the hours named above, or on Sundays, shall be subject to a fine of not less than two nor more than five dollars for each and every offence, or imprisonment not exceeding ten days; to be imposed by the Recorder or by any court of competent jurisdiction before which the case may be brought. And any person or persons who shall scatter the contents of any barrel, box or other receptacle for garbage placed at the edge of any pavement as hereinabove required in the street, gutter, or on the sidewalks in any street, alley, lane or open court, shall be subject to a fine of not exceeding five dollars, or imprisonment not exceeding ten days for each and every offence; to be imposed by the Recorder or by

To be placed in boxes.

Penalty.

Unlawful to scatter garbage placed in boxes.

Penalty.

any court of competent jurisdiction before which the case may be brought.

Paper not to be placed with garbage or scattered on sidewalks or streets.

Unlawful to scatter paper, handbills, etc., on sidewalks, etc.

Penalty.

SEC. 347. That refuse paper and scraps of paper shall not be included as part of the garbage, dirt, offal or other matter referred to in this section to be placed on the streets for removal by the Scavenger Department; and it shall be unlawful for any refuse paper or scraps of paper to be placed on the sidewalks and in the roadways of this city, either loosely or in boxes, barrels or any other receptacles, for removal by the Scavenger Department. And it is further ordained, that it shall be unlawful for any person or persons to distribute, place, spread or scatter any handbills, posters, advertisements or other papers or cards upon the sidewalks or roadways of this city; and any person or persons who shall violate the provisions of this section with reference to the aforesaid refuse paper, scraps of paper, handbills, opsters, advertisements or other papers or cards, shall be subject to a fine not exceeding five dollars, or imprisonment in jail not exceeding ten days, for each and every offence.

CHAPTER VII.

Department of Charities.

ALMS HOUSE—ASHLEY RIVER ASYLUM—ORPHAN-HOUSE—ROPER AND CITY HOSPITAL—WILLIAM ENSTON HOME—BATHING HOUSES—CITY ORPHAN ASYLUM.

Alms House.

June 4, 1821.

Jan. 15, 1897.
Annual election.

SEC. 348. There shall be elected by City Council, on the 2d Tuesday in January, 1905, and every 4th year thereafter, twelve Commissioners of the

Alms House who shall meet every second Monday after their election, or oftener if necessary.

SEC. 349. The Commissioners so elected shall have the care and direction of the Alms House and the poor in the City of Charleston. They shall, from time to time, visit and superintend the same and manage and transact all matters relative thereto, and according to the rules or regulations revised and adopted February 25, 1884, and now in force, or as the same may from time to time be altered or amended: *Provided, always,* That all such alterations or amendments shall be first submitted to and approved by the City Council before the same shall become operative or be in force.

SEC. 350. The said Commissioners shall, at the close of every year, lay before the City Council, an exact account of all expenditures at the Alms House, and for the poor under their care, with the several vouchers for the same; as also a list for all poor persons, and their manner of employment.

SEC. 351. The said Commissioners are authorized and empowered to elect a Master, Matron, and Clerk of the Alms House; neither of whom shall hold any other office or appointment unconnected with their respective employments in the Alms House. The salary of the Master shall be five hundred dollars per annum; that of the Matron and Clerk three hundred dollars each, per annum. The aforesaid salaries shall be payable monthly out of the City Treasury.

SEC. 352. The master of the Alms House or other person having charge of the same shall receive into the Alms House such person or persons as the Mayor or Commissioners of the Alms House shall commit thereto, and there detain him, her or them for such time and subject him, her or them to such regulations as the Mayor or the said Commissioners may think proper to prescribe.

May 9, 1893.

Commissioners to have care of Alms House and poor.

Oct. 28, 1801.

Report to Council.

Aug. 5, 1812.

Master, Matron and Clerk of Alms House.

Jan. 24, 1826.

Master to receive all persons committed by Mayor.

Penalty on Master for disobedience.

SEC. 353. If the master of the Alms House or any person having charge thereof shall fail to perform any of the duties prescribed in Section 352 of the General Ordinances or those referred to in Section 349 of the General Ordinances, he shall be forthwith discharged from his office by the said Commissioners of the Alms House.

Ashley River Asylum.

June 15, 1897.
Nov. 2, 1886.

Election.

To elect officers and make rules, etc.

To apply those sentenced to House of Correction to labor on public lands.

SEC. 354. On the second Tuesday in January, 1905, the City Council shall elect a Board of twelve Commissioners of Public Lands, who shall be charged with the control and utilization of the grounds or farm now known as Potter's Field. They shall also have the control and management of the piece or parcel of land lying and being at the corner of President and Line streets, and the lands adjacent belonging to the City, with the appurtenances thereof.

SEC. 355. The Board of Commissioners of Public Lands shall have the election of the officers and employees of the Public Cemetery, Ashley River Asylum, and House of Correction, and shall exercise authority to control and manage the said respective institutions, and to make rules and regulations for the government of the same, subject to revision of Council.

SEC. 356. The said Board of Commissioners are hereby directed, and shall be empowered to apply vagrants and offenders against the City Ordinances, who may be sentenced to the House of Correction, to labor of various kinds, at the public lands, during their term of sentence, for the purpose of cultivating the said public lands and improving the same for the aid and comfort of the poor and unfortunate inmates of the Ashley River Asylum, and to such other labor as they may deem expedient and proper.

SEC. 357. That the Commissioners of Public Lands shall pay to the City Treasurer, on Monday of every week, all moneys received by them, or any of their officers or employees, from any source whatsoever; and all bills for charges and expenses incurred by or incident to any of the institutions under the control of the said Board, shall be paid by the City Treasurer, by order of the City Council, upon vouchers approved by the said Board of Commissioners, and passed by the Committee of the City Council on Accounts.

Jan. 18, 1876.

To pay over
moneys to City
Treasurer.

SEC. 358. There shall be elected by City Council, on the 2d Tuesday in January, 1905, twelve Commissioners of the Orphan House; who shall have power and authority to make and frame such rules and regulations as they may think necessary, for the good government and conducting the business of the Orphan House and all persons therein: *Provided*, All such rules and regulations are presented to, and approved of, by the City Council, within ten days after the same are framed, and that the City Council shall and may confirm, alter and amend, or annul the same.

Oct. 18, 1790.
Jan. 29, 1821.
June 15, 1897.Empowered to
make rules for
government of
Orphan House.

SEC. 359. All poor orphan children and children of poor, distressed, or disabled parents as shall be deemed proper objects of admission by the Commissioners, shall be admitted into the Orphan House, and shall be supported, educated and maintained at the expense of the corporation, during such term and under such regulations as the City Council shall from time to time prescribe or sanction.

Oct. 18, 1790.

Who shall be
admitted into Or-
phan House.

SEC. 360. It shall be the duty of the Commissioners of the Orphan House to choose and appoint proper officers, nurses and domestics; and to superintend and manage the Orphan House, the offi-

Commissioners
to appoint Offi-
cers.

cers, and servants thereof, and the children therein, to the best of their judgment and skill; subject to the control of the City Council.

Dec. 3, 1867.

City Council
annually to elect
a Physician.

Not to charge
any assistant or
attendant.

Sept. 2, 1840.

All donations,
devises and be-
quests to be held
by Commissi-
oners.

Commissi-
oners
to apply the in-
come to the de-
signs of the ben-
efactors.

Report annually
a statement of the
Funds.

SEC. 361. City Council shall, annually on the third Tuesday in November, elect a Physician of the Orphan House, who shall attend on and administer medicines to all sick persons in the institution; and who shall receive therefor a salary of seven hundred dollars per annum, payable monthly.

SEC. 362. The Physician of the Orphan House shall prefer no charge or demand on account of attendance imparted to any officer or assistant in the said institution.

SEC. 363. All donations, devises, and bequests heretofore made, or which hereafter may be made to the Commissioners of the Orphan House, for objects connected with the benevolent purposes of the institution, shall be held by the Commissioners of the Orphan House, and be vested as heretofore done, from time to time, as the same may be received by them, in such public securities, bank stock, or other estate, real or personal, as they may deem most beneficial. All such investments shall be made in the name of the "Commissioners of the Orphan House," and the certificates and securities be accordingly so taken. No transfer, sale, or change of the capital shall at any time be made, without the previous consent of the City Council of Charleston.

SEC. 364. The Commissioners of the Orphan House shall receive and apply the income and dividends arising from the said investments, in every instance, to objects tending to accomplish the designs of the respective benefactors; and they shall render to the City Council on the first Monday in August, in every year, or at any and all other times, when required by Council, a statement certified by the Chairman, of the investment of the said funds,

distinguishing the amount of each donation, devise, or bequest, with the names of the several donors, and the manner of the expenditure of the income thereof.

SEC. 365. The Board of Commissioners of the Orphan House shall record, in a journal to be opened expressly for that purpose, the names of all those benevolent persons who have made, or who hereafter may make donations, devises, or bequests, to the said Commissioners, as before herein mentioned; and shall preserve in the said journal a copy of the clauses of all deeds, wills, or documents, under which the said donations, devises, and bequests have been or may hereafter be made; to be kept forever as a memorial of the benefactors of the Orphan House.

To record in a journal the names of all donors, etc.

SEC. 366. The Mayor, the Chairman of the Commissioners of the Orphan House, and the City Treasurer for the time being, and their successors in office forever, shall be, and they are hereby, constituted and declared trustees of the Orphan House funds and estate; to be by them invested, from time to time, in such stock, bank shares, or other estate, as they may deem most beneficial to the institution; and to be by them held in trust for the use and benefit of the Orphan House; and nothing contained in the three preceding sections shall extend to or affect the Orphan House funds now held or which hereafter may be held by the trustees of those funds as herein designated and provided.

SEC. 367. All the specialties, stock, money on hand, and other property or estate, of right belonging to the said establishment, shall be, and are hereby directed to be assigned, transferred, or paid over to the said trustees for the purposes aforesaid; and the same, together with all future donations, devises and bequests, to or for the benefit of the said institution; and, also, all moneys or other estate, which may arise to the same from escheated

Sept. 2, 1840.
Trustees of Or-
phan House
Funds and Estate.

property, are hereby placed under the special charge of the said trustees; who are directed and required to pursue all lawful ways and means for the recovery of all such property, real or personal, as may be so given, devised, bequeathed, or which shall result from escheated property; and when recovered, to invest the same in such stock, bank shares, or other estate, as may be most beneficial to said establishment: *Provided*, That such investment be made with the approbation of the Commissioners of the Orphan House for the time being, and with the consent of the City Council.

Sept. 1, 1808.

Stocks, etc.,
vested in hands of
Trustees.

SEC. 368. All investments made as aforesaid shall be in the official name and character of the trustees aforesaid; and the same are hereby declared to be sacred, and shall be forever kept apart and distinct from all other City funds; and the principal sums of such investments shall not on any consideration be expended, but shall be preserved whole and entire for the benefit of the Orphan House.

Commissioners
to exhibit state-
ment of funds.

SEC. 369. It shall be the duty of the Commissioners of the Orphan House, twice in every year, viz: in the months of January and July, to exhibit to the Council a statement of the interest money, dividends, or other income arising from the Orphan House funds, with their opinion and advice of the best mode to apply or invest the same for the benefit of the institution; which mode of applying or investing the income of the said funds, having received the approbation of the Council, the said trustees shall forthwith adopt and proceed to carry the same into effect.

Trustees to re-
port to Council
annually.

SEC. 370. The said trustees shall render to the City Council an annual statement of the funds entrusted to them, distinguishing the amount of each donation, devise or bequest, and the name of each donor or devisor; and also all moneys or other estate arising to the said institution from escheated

property, and showing the amount of the annual income, and the manner of the expenditure thereof, so that the citizens may see that a faithful application is made of the funds aforesaid.

City Orphan Asylum.

SEC. 371. That there is hereby established an orphan asylum to be known as "The City Orphan Asylum." Jan. 30, 1901.
City Orphan Asylum.

SEC. 372. There shall be annually elected by City Council, at the first regular meeting in January in each and every year, seven Commissioners of the said "the City Orphan Asylum," who shall have power and authority to make and frame such rules and regulations as they may think necessary for the good government and conduct of the business of the said "the City Orphan Asylum" and all persons therein: *Provided*, all such rules and regulations are presented to and approved by the City Council within ten days after the same are framed, and that the City Council shall and may confirm, alter and amend or annul the same. Elect Commissioners annually.
Council to approve rules.

SEC. 373. All poor orphan children and children of poor, distressed or disabled parents as shall be deemed proper objects of admission by the Commissioners shall be admitted into the said "the City Orphan Asylum," and shall be supported, educated and maintained during such terms and under such regulations as the City Council shall from time to time prescribe or sanction. Who may be admitted.

SEC. 374. It shall be the duty of the Commissioners of the said "the City Orphan Asylum" to choose and appoint proper officers, nurses and domestics, and to superintend and manage the said "the City Orphan Asylum," the officers and servants thereof and the children therein to the best of their judgment and skill, subject to the control of City Council. Proper officers to be appointed.

Industrial School for Colored Orphans.

Jan. 26, 1897.
Industrial
School for Color-
ed Orphans es-
tablished.

SEC. 375. Whereas representations have been made that on the appointment by the Mayor and confirmation by City Council of a Board of Commissioners of the Industrial School for Colored Orphans of the City of Charleston, that funds or legacies may be donated or bequeathed to the City of Charleston for this specific purpose, it appears advisable, in order to test such representations, to create such a Board of Commissioners, who shall act as a Board of Trustees of these funds and of any legacies that may be devised or bequeathed to the City of Charleston for this specific purpose, and also trustees of any gifts or donations of moneys or lands for this special object: Therefore

Mayor to ap-
point Commission.

Terms of Com-
missioners.

Be it ordained by the Mayor and Aldermen of the City of Charleston, in City Council assembled:

That the Mayor shall appoint a Board of five Commissioners of the Industrial School for Colored Orphans of the City of Charleston, subject to confirmation by the City Council, and the terms for which these Commissioners shall serve, shall be: One for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years and one for a term of five years, from the first day of January next, preceding the date of their confirmation; and that annually, in December of each year, there shall be appointed by the Mayor, subject to confirmation by the City Council, one Commissioner of the Industrial School for Colored Orphans of the City of Charleston, for a term of five years.

Commissioners
to hold all dona-
tions, devises, etc.,
in trust for
school.

SEC. 376. All donations, gifts, devises and bequests which may be made to the Commissioners of the Industrial School for Colored Orphans of the City of Charleston, for the objects connected with

the benevolent purposes of the institution, shall be held by the Commissioners of the Industrial School for Colored Orphans of the City of Charleston, and be invested from time to time, as the same may be received by them, in such public securities, bank stocks, or other estate, real or personal, as they may deem most beneficial. All such investments shall be made in the name of the "Commissioners of the Industrial School for Colored Orphans of the City of Charleston," and certificates and securities be accordingly so taken. No transfer, sale, or change of capital shall at any time be made without the previous consent of the City Council of Charleston. Said Commissioners shall receive and apply the income and dividends arising from the said investments in every instance, to the objects tending to accomplish the designs of the respective benefactors; and render to the City Council, annually, at its first meeting in January, in each and every year, a statement, certified by the chairman, of the investment of the said funds, with the amount of each donation, and the name of each donor, and the manner of the expenditure of the income thereof, with a detailed account of the receipts and disbursements for the year ending the 31st day of December, next preceding, accompanied with a full report of their doings, and with their opinion and advice as to the best mode for the conducting and maintaining of the said institution, and the application and investment of its funds, which having received the approbation of City Council, and the approval of the Mayor, the said Commissioners shall adopt and proceed forthwith to carry the same into effect. *Provided, nevertheless,* that said Board of Commissioners may make at any time during the year, such supplementary reports to the City Council, as the said Board may deem for the interests of the City, and any action on these supplementary reports shall

Report of trans-
actions to be
made to Council.

take the same course as is provided for the annual report.

City Hospital.

May 24, 1892.
April 9, 1901.

Mayor to appoint Commissioners.

Authorized to make rules.

Proviso.

May 23, 1880.

Commissioners to appoint officers, etc.

House physicians to be appointed by Faculty of Medical College.

SEC. 377. The government of the City Hospital shall be under the direction and control of ten Commissioners to be appointed by the Mayor and confirmed by City Council, who shall hold their office for four years from the date of their appointment. They shall have power and authority to make and frame such rules and regulations as may be necessary for the good government and conducting the business of the said Hospital in the interest of the City and for the benefit of the sick poor therein: *Provided*, All such rules and regulations are presented to and approved by City Council within ten days after the same are adopted, and that the City Council may alter, amend, or annul the same.

SEC. 378. It shall be the duty of the Commissioners of the City Hospital to choose and appoint for the said Hospital such officers and nurses as may be necessary for the proper conduct of the said Hospital, and to superintend and manage the City Hospital, the officers and servants thereof, the sick therein, and its finances, to the best of their judgment and skill, and to determine in what manner and by whom all material and supplies, of whatever nature or description, necessary for the said Hospital, shall be purchased.

SEC. 379. The necessary house physicians, not exceeding four, shall be, as heretofore, nominated by the Faculty of the Medical College of the State of South Carolina and confirmed by the said Board of Commissioners, but may be removed by the said Board for cause.

SEC. 380. It shall not be lawful for any quarters, subsistence, fuel or lights to be furnished to any person who is not an employee of the City Hospital, or who is not a patient therein.

SEC. 381. The ambulances of the City Hospital shall have the right of way in and upon the streets, lanes, alleys, squares, railroad crossings and wharves of the City in responding to any call for same made by or upon the City Hospital, the Health Department, the Fire Department, the Police Department, or any person or persons authorized by law to make such call, or being upon such streets, lanes, alleys, squares or wharves in pursuance of such call or calls.

July 12, 1892.
Ambulances to
have right of
way.

No person or persons shall obstruct or neglect to make way for any of such ambulances being thus in or upon any of said streets, lanes, alleys, squares or wharves under a penalty of not less than five dollars, or more than twenty-five dollars, for every offence, or an imprisonment of not more than thirty days: *Provided, always,* That such ambulance or ambulances in going to or returning from such call or calls shall not proceed faster than a trot.

Penalty for ob-
structing.

Proviso.

Regulating Consumption of Gas in City Institutions.

SEC. 382. The Boards of Commissioners and the officers in authority over and in charge of the several public institutions and departments of the City of Charleston be, and they hereby are, authorized, empowered, instructed, and required to keep and maintain a careful and systematic account of the amount of gas and electricity, either or both, which shall be used and consumed by the institution or department under their control and management, and to pay for the same out of the public funds which shall be received or shall be appropriated by City Council for the use and maintenance of such institution or department, and to make an accounting to City Council of such expenditure; and in no case shall such expenditure exceed the sum appropriated for such purpose.

Feb. 12, 1901.
Consumption of
gas and electric-
ity in city institu-
tions to be regu-
lated by authori-
ties in charge.

*Admission into Charitable Institutions.*Feb. 12, 1901.Admission into various city institutions regulated.

SEC. 383. That no person shall be admitted to the Charleston Orphan House, or the City Orphan Asylum, the Alms House or the Ashley River Asylum, or the City Hospital, unless he or she shall have been resident in the City of Charleston for three years prior to the application for such admission: *Provided*, that in case of emergency a person or persons may be admitted to the City Hospital, the Alms House, or the Ashley River Asylum on the joint order of the Mayor and the Chairman of the Board of Commissioners of the institution to which said person or persons desire to be admitted: *Provided further*, that the Commissioners of the City Hospital shall have the power to admit to the said Hospital patients who have not had a three years' residence, upon first receiving such compensation for their care as, in the opinion of the said Commissioners, will entirely defray the expense thereof.

Feb. 12, 1901.To prevent pauper non-residents being a charge on city.

SEC. 384. That any person or corporation who shall bring into the city any sick or wounded person who shall have no means of being cared for in this city except at the City Hospital shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine not exceeding one hundred dollars, or imprisonment not more than thirty days.

Penalty.

SEC. 385. Any person or persons who have not been resident in the City of Charleston for three years, and who shall knowingly and wilfully come into this City for the purpose of being taken into the City Hospital, the orphan houses of the City, the Alms House or the Ashley River Asylum, shall be guilty of a misdemeanor, and upon conviction be fined not more than one hundred dollars or imprisoned not more than thirty days.

Provided, that this section shall not apply in case where a person be admitted to the City Hospital, the Alms House, or the Ashley River Asylum under the provisions of the Ordinance entitled, "An Ordinance to regulate the admission of persons to the Charleston Orphan House, the City Orphan Asylum, the Alms House, the Ashley River Asylum and the City Hospital.

Proviso.

The William Enston Home.

SEC. 386. *Whereas*, William Enston, late of the City of Charleston, by his last will and testament, after providing for the members of his family and others therein named for their several lives, did devise and bequeath to the City of Charleston in remainder his estate for the founding of a hospital for the old and infirm;

Aug. 22, 1882.

History of the
Home.

And, whereas, In order to secure, as contemplated in said will, the personal supervision and approval of Mrs. Hannah Enston, widow of William Enston, in whom he therein reposed his special trust and confidence in determining the plan and in the establishment of this munificent charity, and for other good and sufficient reasons, a settlement has heretofore been had and concluded by and between the City Council of Charleston, Mrs. Hannah Enston, widow and executrix of Wm. Enston, and the several surviving annuitants therein named, whereby the said City Council of Charleston has now become invested with and possessed of a considerable portion of said estate, and upon the death of the surviving annuitants of William Enston will receive in final settlement a further portion of said estate, now vested in remainder in said City of Charleston for the use of the said hospital under the deed of trust by Hannah Enston, et al, to William A. Courtenay, Isaac Hayne and William Enston Butler, trustees;

And, whereas, It is considered an object of primary obligation to keep this munificent legacy of the late William Enston, separate and distinct from the general funds of the City of Charleston, so that, while it accomplishes the leading object of the testator, it may stand as a monument of his liberality and public spirit.

Now, therefore, be it ordained by the Mayor and Aldermen of the City of Charleston in City Council assembled:

**Home establish-
ed.**

1. That there shall be established as hereinafter provided, with the funds devised and bequeathed to the City of Charleston by the late William Enston, a Home for old and infirm persons.

**Board of Trus-
tees.**

SEC. 387. That W. A. Courtenay, Alva Gage, F. S. Rodgers, E. H. Jackson, Wm. Thayer, Wm. Robb, A. B. Rose, J. H. Pieper, O. Aichel, C. P. Aimar, J. P. K. Bryan and W. J. Miller are hereby chosen as trustees who, together with the Mayor of the City of Charleston, shall constitute a board of trustees for the management, direction and control of the said Home, and who shall have power and authority to make rules and regulations necessary for the good government and the conducting of the affairs of the said Home.

To make rules.

**Trustees shall
be residents of
the city.**

SEC. 388. The Mayor of the City of Charleston shall always be ex-officio a member of said board of trustees, and the twelve other trustees shall be residents of the City of Charleston, and shall be chosen to serve perpetually and without compensation. That upon the death, resignation or removal from the City of Charleston of any one of the said trustees the vacancy shall be filled by the remaining trustees.

**Vacancies, how
filled.**

**Who to be ad-
mitted to Home.**

SEC. 389. All such old and infirm persons in poverty, of good honest character and decent life and conduct as shall be deemed proper objects of admission by the said trustees, may be admitted

into the said Home, and the said Board of Trustees shall at all times have power to remove any person so admitted.

Provided, however, that no person under the age of forty-five years shall be admitted, unless in the case of some great physical infirmity, such as lameness.

And, provided further, that no lunatic person shall be admitted or allowed to remain therein.

And, provided further, that there shall always remain in the gift of any of the family of William Enston six gifts or appointments in said Home to be enjoyed by six individuals.

SEC. 390. The said Board of Trustees shall have power to appoint such officers, physician or physicians, nurses and servants as they may deem necessary, and to allow them such compensation for their services as shall be reasonable, and shall also have power to remove them, or any of them, at their will and pleasure, and shall and may exercise such other powers and authorities for the well governing and ordering of the affairs of the said Home as shall not be repugnant to or inconsistent with the true intent and meaning of the provisions of the last will and testament of the said William Enston, deceased.

SEC. 391. That the premises known as late Storen's Farm, situate in the City of Charleston, and lying on the east side of King street (and more particularly described in the deed thereof of Michael Storen to City of Charleston,) containing eight acres, be and the same are hereby set apart and dedicated by the City Council of Charleston as a site for the said Home. And the said premises shall be known and designated as the William Enston Home, and the same are hereby vested in the said Board of Trustees for the use and benefit of the said Home.

SEC. 392. That in improving and laying out the

No person under 45 years to be admitted.

No lunatic admitted.

Family of Wm. Enston to have 6 appointments.

Board to appoint officers.

Compensation.

Power to remove.

Location.

Designation.

Improvement in grounds. grounds of the said William Enston Home, the said Board of Trustees are hereby required to reserve and set apart a space of one hundred (100) feet square at or near the centre of the grounds, or at some other suitable point therein as they may determine, which spot is hereby dedicated for the erection thereon of a perpetual memorial by the City Council of Charleston to William Enston, her large-hearted, noble benefactor.

Memorial.

Investments and property vested in Trustees.

SEC. 393. All the money, stock, securities, investments and estate of every kind and description, with the increment thereon, which has heretofore come and which hereafter shall come into the possession of the City of Charleston, or which is now held by any agent or officer of said city, or trustees on behalf of said city, and which has been or may hereafter be received by the City of Charleston under the bequests and devises contained in the will of the late William Enston, and the articles of agreement and deeds and instruments executed by and between the parties in interest under said will in settlement of said estate of William Enston, shall pass to and be vested in said Board of Trustees for the use and benefit of said Home..

Power to change investments.

SEC. 394. And the said Board of Trustees shall have power to sell, at public or private sale, and transfer and convey any and all of the said property, real or personal, applying the proceeds of such sale to the use of said Home; and all funds held by them shall be invested in such public securities or other estate, real and personal, as they may deem most beneficial; and all such investments shall be made in the name of the Trustees of the William Enston Home; and no investment or change of investment of such property shall be made, unless by the vote of three-fourths of the members of said Board of Trustees.

SEC. 395. That the said Board of Trustees out

of the principal of the fund and property now turned over to them shall forthwith apply and expend such sum, as they shall in their discretion determine, in the improvement of the said premises hereinbefore dedicated as a site for the said Home and in the erection thereon of such number of cottages as they shall determine, of brick, in rows, neat and convenient, each cottage to have a small garden, according to a plan to be approved by Mrs. Hannah Enston, widow of the late William Enston.

To build cottages of brick in rows.

SEC. 396. That the rest and residue of the principal fund and estate now turned over to said Board of Trustees, remaining after said improvements above mentioned, be held by the said Board to be applied, principal or interest in their discretion, to the use and maintenance of said Home. That the *corpus* of the trust fund and estate now vested in William A. Courtenay and Isaac Hayne and William Enston Butler, trustees, which hereafter, upon the death of the annuitants of William Enston, is to be paid over and transferred to the City of Charleston for the use of said Home, shall always be kept and preserved intact by the said Board of Trustees as a principal fund and estate. And only the interest, income, rents, profits and dividends issuing out of the same shall be applied and expended in the further improvement of said premises, erection of additional cottages and the support and maintenance of said Home.

Rest and residue due to be held for use of Home.

Corpus of fund to be held.

Income to be expended.

SEC. 397. It shall be the duty of the said Board of Trustees to make in writing annually to the Mayor and City Council of Charleston a full report of their proceedings during the year, and of the state of the Home, showing the number and condition of the cottages, inmates, and all matters necessary to a full understanding of the affairs of the Home, which shall be certified by the president and secretary of said Board. And there shall be ren-

Board to make reports.

dered with said report annually an account or statement, certified in like manner, showing the receipts and expenditures for the year and the assets and pecuniary condition of the Home, and said reports shall be addressed to the Mayor before the tenth day of January in each year for the preceding fiscal year.

Bathing Houses.

Feb. 12, 1889.

Board to be
elected.

Power and au-
thority of same.

SEC. 398. That a Board, consisting of seven Commissioners shall be annually elected by the City Council, at the annual election of city officers, which shall be charged with the erection, care, conduct and management of the bathing houses, and shall have power and authority to make such rules and regulations as it may deem best for the management and maintenance of the same: *Provided*, That said rules shall require the said bathing houses to be opened each and every day during the months of May, June, July, August and September, from 6 o'clock A. M. to 10 o'clock P. M., three days in each week for the admission of the public, under proper regulations of the said Commissioners, free of charge, and the remaining days in each week to be opened at such charges as may be fixed by the said Commissioners, for the purpose of defraying the expenses necessary to the maintenance of the said bathing houses. All moneys so received by the said Commissioners, to be deposited with the City Treasurer, subject to the order of the said Commissioners.

CHAPTER VIII.

Freight Commissioners—Freight Bureau.

SEC. 399. There shall be a Board of Freight Commissioners for the City of Charleston, which shall be one of the municipal Boards of said City, and shall be appointed and hold office as in herein-after ordained.

Dec. 11, 1894.
Board established.

SEC. 400. That the said Board shall consist of seven members, two of whom shall be Aldermen of the City of Charleston, to be nominated by the Mayor; one Commissioner to be nominated by the Chamber of Commerce, one Commissioner to be nominated by the Cotton Exchange of the City of Charleston, one Commissioner to be nominated by the Merchants' Exchange of the City of Charleston, one Commissioner to be nominated by the Commercial Club of the City of Charleston, and one Commissioner to be nominated by the Young Men's Business League of the City of Charleston; all of which nominations shall be reported to the City Council for confirmation by them: *Provided, however,* that the Aldermen so appointed shall hold office on said Board only during their term of office as Aldermen.

Dec. 23, 1902.
How composed.

SEC. 401. That any vacancy arising from death, resignation, removal from the City, or incapacity to serve of any one or more of their number shall be filled as provided in Section 400: *Provided, always, however,* That in filling said vacancies the basis of representation hereinbefore ordained shall be preserved, and the person or persons so selected to fill such vacancy shall be reported to City Council for confirmation.

Vacancies, how filled.

SEC. 402. The said board shall be authorized to

**Power and du-
ties of Board.**

examine into all matters appertaining to the rates of freight into or out of the city of Charleston, whether by water or by land; and into all matters connected therewith; and also into all matters appertaining to the rates of insurance, fire and marine, and all matters connected therewith; they shall be charged with the special duty of taking such steps as they may deem proper to prevent any discrimination against the interests of the city of Charleston, and insure fair, just and proper rates of freight and insurance in, and out of the said city.

Manager.

They shall have power to appoint and at pleasure remove an agent or manager, to be known as the manager or inspector of the Freight Bureau of the city of Charleston, and also a clerk and to fix the amount of compensation for each subject, however, to the approval of the City Council of Charleston. They shall have further power to make such rules and regulations for the management for the said bureau, and the discharge of the duties herein imposed upon them, as they may deem proper, provided such rules are not inconsistent with the laws of the land or the ordinances of the city.

Board to report.

SEC. 403. The Board of Freight Commissioners shall have entire control and management of the Freight Bureau hereby created, and shall report all their operations, actions and expenses annually to the City Council for its information and approval.

**A p p r o priation
for.**

SEC. 404. That for the support and maintenance of the Freight Bureau hereby created, such sum shall be annually appropriated by City Council as they may deem sufficient.

CHAPTER IX.

Department of Education.

CHARLESTON COLLEGE—HIGH SCHOOL.

Charleston College.

SEC. 405. That all donations, devises, bequests or legacies to the Charleston College, shall be paid over, received, invested, dealt with, and disposed of, as relates to both capital and income, for the benefit of the said College, by the Commissioners of the City College Fund, who shall consist of the Mayor of the City, the President of the Board of Trustees of the said College, and the City Treasurer; and the Commissioners of the City College Funds shall annually report to Council, at the usual period for the annual statement of City accounts and finances, the amount and disposition of the funds respectively under their charge.

April 26, 1853.
Commissioners
of the College
Fund.

Annual report.

High School.

SEC. 406. That, whereas, the General Assembly of the State of South Carolina has passed an Act relating to the High School of Charleston, the title and provisions of which are as follows:

Dec. 27, 1881.
Preamble.

An Act Relating to the High School of Charleston.

Whereas, the City Council of Charleston did, by its Ordinance ratified on the second day of May, A. D. 1839, and the twenty-sixth of April, 1853, create a permanent and accumulating fund for the benefit of the High School of Charleston, and did

require its Treasurer, for each and every year from the year 1853, for the rest of the period of ninety-nine years from the year 1839, to issue and deliver to the "Commissioners of the High School Fund" a certificate of stock of the said City of Charleston for the sum of one thousand dollars, which said fund is now invested in the school lot and buildings at the Northwest corner of Meeting and George Streets, and the sum of forty-seven thousand seven hundred and forty dollars in the stock and bonds of the City of Charleston, which amount, yielding an income of twenty-three hundred and eighty-six dollars, is not sufficient to perfect the School in all its branches. And, whereas, it has been suggested by the Board of Supervisors of the High School of Charleston to the said City Council, as conducive to the welfare of the said School, to change the investment aforesaid into an annuity of four thousand dollars for the unexpired period of ninety-nine years, to-wit: about sixty years; and in consideration thereof to cause the scrip aforesaid now in the hands of the "Commissioners of the High School Fund" to be cancelled, thereby relieving the City of Charleston of that amount of debt; now, therefore, to carry the said purposes into effect:

SECTION I. Be it enacted by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by authority of the same. That the present Board of Supervisors of the High School of Charleston are hereby declared to be a body corporate, by the style and title of "The Trustees of the High School of Charleston," and shall by its said name have perpetual succession of officers and members, the right to use and keep a common seal and the same to alter at will, to sue and be sued, to plead and be impleaded, and to have and enjoy all and every right and privilege, power and franchise

incident and belonging to incorporate bodies; they shall also have full power and authority, from time to time, to make, constitute and establish such and so many by-laws, rules and orders as to them shall seem necessary and convenient for the better regulation, government, well-ordering and directing of themselves as trustees aforesaid, as well of the said High School of Charleston, and all officers, professors or other persons by them employed, or to be employed in and about the same, and of all pupils in the said School, and for the better managing, limiting and appointing of all and singular the trusts and authorities in them, and each of them reposed, and to be reposed, and for the doing, managing and transacting all things necessary for and concerning the government of the said High School of Charleston; and the same by-laws, rules and orders, to be put in force and execution accordingly; and the same again, at their will and pleasure, to alter, change, revoke and annul; all of which by-laws, rules and orders so to be made as aforesaid shall be binding on each and every of the trustees, and on all officers, professors and other persons by them employed, and by all pupils in said School, and shall be from time to time, by each and every of them observed, according to the tenor and effect thereof under the several pains, penalties and disabilities therein expressed.

SEC. 2. The Trustees of the High School of Charleston shall consist of the Mayor of Charleston, for the time being ex-officio, two Aldermen of the said city, to be elected by the City Council as soon after the General Municipal Election as may be practicable, to hold office for the term of the City Council from which they may be elected, and if the said Aldermen or either of them, shall, from any cause during such term, cease to be Aldermen, his or their place on said Board shall become va-

cant, and the City Council shall, as soon as practicable thereafter, fill such vacancy with some other Alderman or Aldermen for the unexpired term. Besides these, the Board shall consist of the other persons now members thereof, not sitting as Mayor or as Aldermen *ex-officio*. That whenever a vacancy shall occur from any cause in this class of Trustees, such vacancy shall not be filled until the number of the Board, including the Mayor and the two Aldermen, is reduced to nine, at which number it shall remain. Thenceforward and after such reduction, any vacancy occurring in the Board from any cause shall, from time to time, and at all times, be filled by the Board in such mode as they may deem best: *Provided*, That this provision shall not apply to the Mayor and Aldermen sitting on such Board *ex-officio*; and provided, also, that if the Board refuse or neglect or be unable to fill any vacancy within three months after it shall have been reported to the Board, it shall and may be lawful for the City Council to fill the same.

SEC. 3. That the "Commissioners of the High School Fund" are empowered and authorized, with the consent and under the direction of the City Council of Charleston, to cancel all scrip or bonds they hold as the High School fund, and deliver the same to the Treasurer of the said City, to be by him retained and securely kept: *Provided*, That the City Council do agree and contract in proper and legal manner, and in consideration of the said cancellation, with the Trustees of the "High School of Charleston," to grant an annuity of four thousand dollars for the term of sixty years from the first of January, eighteen hundred and eighty-two, to the said trustees, and for the payment thereof to appropriate annually and pay over each year to the said trustees the sum of four thousand dollars, for the sole and exclusive use and benefit of the said

School; and, *Provided, further*, That the said City Council do execute a conveyance of the said school-lot and buildings at the Northwest corner of Meeting and George Streets to the said trustees, for the sole and exclusive use and benefit of the said School.

SEC. 4. That the said trustees are authorized and empowered to receive and hold donations, devises, bequests and legacies, and to hold real and personal estate to the amount of three hundred thousand dollars for the benefit and use of the said School.

SEC. 5. That all Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed, and this Act shall be deemed a public Act, and is to take effect from and immediately after the date of its passage.

And, whereas, it is necessary, in order that the same may become operative and binding upon the City Council of Charleston, that the provisions thereof be accepted by the City Council of Charleston, it is hereby declared that the provisions of the said Act be and are hereby accepted by the City Council of Charleston.

SEC. 407. That the Commissioners of the High School Fund are hereby authorized to cancel all scrip or bonds of the City of Charleston held by them, and deliver the same to the Treasurer of the City of Charleston, to be by him retained and securely kept.

Cancellation of bonds.

SEC. 408. That, in consideration of the cancellation of the said stocks and bonds, an annual appropriation (beginning with the year 1882) of four thousand dollars, payable quarterly, shall be annually made and paid out of the City Treasury, for the term of sixty years, to the "Trustees of the High School of Charleston," for the sole and exclusive use and benefit of the said School; and the Mayor of the City of Charleston is hereby author-

Appropriation.

ized to execute, in the name of the City Council of Charleston a contract with the "Trustees of the High School of Charleston" that the City Council will make the appropriation herein provided for; and also that he do execute a conveyance of the school lot and buildings at the Northwest corner of George and Meeting Streets, in the City of Charleston, to the said trustees, to be held by them for the sole and exclusive use and benefit of the said School.

City Scholarship in the South Carolina Military Academy.

Jan. 11, 1898.

Five scholarships established.

SEC. 409. That provided that the State of South Carolina shall appropriate not less than the sum of twenty thousand dollars annually to the maintenance of the said Academy, in the City of Charleston, there shall be five scholarships created and maintained by the City Council of Charleston at the said Academy for four years from the date of the ratification of this ordinance, at a total cost of fifteen hundred dollars a year, provided Council shall each of said four years appropriate the said sum for each of said years that the State shall appropriate as aforesaid not less than the said sum of \$20,000 per annum.

How awarded.

SEC. 410. That these scholarships shall be awarded to bona fide residents of the City of Charleston only, upon competitive examination, but no two shall be given to residents of the same ward, except upon failure of some ward or wards to present eligible candidates, in which case the scholarship or scholarships thus vacant shall be given to the candidate or candidates of some other ward or wards making the highest second grades at the examination.

SEC. 411. That the said five (5) scholarships

shall be given only to applicants whose parents or guardians can make affidavits to the fact that neither they, nor the applicants in their own right, have the means to pay for further education.

SEC. 412. All applications for scholarships shall be made to the board of commissioners of the city schools, who will grant warrants to those deemed eligible to appear before the examining board.

To whom application must be made.

SEC. 413. That the said examining board shall consist of the superintendent of the city schools, as chairman, the principal of the Charleston High School, and the respective principals of the Crafts, Bennett and Courtenay city schools. This board will examine the applicants for the scholarships to determine the award. At the conclusion of the examination the chairman of the examining board will report to the Mayor, through the board of commissioners of the city schools, the names of the successful candidates, giving the respective city ward to which they belong.

Examining Board, how constituted.

SEC. 414. Upon the receipt of this report the Mayor is authorized, in the name of the city, to enter the successful candidates as cadets in the State Military Academy, according to the rules of that institution, and within ten days after the beginning of each quarter of the year he will issue his warrant upon the city treasurer to pay to the superintendent of said Military Academy the fourth part of the aforesaid amount of fifteen hundred dollars (\$1,500), provided Council shall each of said years appropriate the said sum.

SEC. 415. That besides said ward residence, candidates for these scholarships must be or have been pupils at one of the city schools, must be between 15 and 20 years of age, not less than five feet in height, and of fair moral character. They must also be able to pass satisfactory examinations on subjects required for entrance into the Military

Requirements.

Academy, namely, arithmetic (completed), descriptive geography, history of the United States, English grammar, and to write with facility and correctness from dictation.

CHAPTER X.

Chain Gang—Police Force—Fire Department—Fire Alarm.

Chain Gang.

June 16, 1892.

Commissioners
to be elected.

SEC. 416. That at the first regular meeting in June, 1904, and every second year thereafter, the City Council shall elect a board consisting of two Aldermen and three citizens, who shall constitute a Board of Commissioners, for the management, custody and care of convicts sentenced by the courts or by the municipal authorities, to hard labor on the public streets, squares, alleys and lanes of the City of Charlton; which board shall have the management of all funds appropriated for the same. The members of the said board shall hold office for the full term as hereinabove prescribed and until their successors shall have been elected.

Powers of the
Board.

SEC. 417. That the said Board shall have power to make all such rules and regulations as in their judgment may be necessary for their own government and for the custody and care of the said convicts: *Provided, however,* That the said rules, so far as the working of the convicts is concerned, shall not conflict with the laws of the State, or with any of the rights, powers and duties of the Superintendent of Streets and of the Committee on Streets as defined and fixed by existing City Ordinances, or Ordinances which may be hereafter enacted; and

Provided, further, That such rules and regulations shall be approved by City Council.

SEC. 418. The Commissioners shall hold a regular meeting of the Board at least once a month, and such special meetings as they may deem necessary. A majority of the Board shall constitute a quorum. At the meeting for organization, or as soon thereafter as the Board shall deem proper, and at the first regular meeting in January of each succeeding year, the Board shall elect a superintendent and five guardsmen, if so many be deemed necessary, to constitute the guard for said convicts, and from time to time shall fill all vacancies in the said guard by election after ten days' notice of the same: *Provided, however,* That all elections by the said Board shall be reported to City Council at its next meeting thereafter for confirmation or rejection.

The Board of Commissioners shall at any time have the power and authority to dismiss the Superintendent or any of the guards for misconduct in office, incompetence, inability to perform his or their duties, or for any other cause whatsoever, and the party or parties so dismissed shall be paid for the actual time of their service at the annual rate provided for in this sub-division.

SEC. 419. The salaries and pay of the said guard for convicts shall be as follows:

To the superintendent, nine hundred dollars per annum.

To the guards, each six hundred dollars per annum.

The salaries and pay aforesaid shall be paid monthly by the City Treasurer out of the appropriation made by the City Council for that purpose.

SEC. 420. The duties of the superintendent and the privates of the guard shall be fixed and defined by the Board of Commissioners. They shall obey all the rules and regulations of the Board.

Meetings.

Quorum.

Elect a Superintendent and guards.

Power to dismiss for misconduct.

Salary of Superintendent.

Pay of Guards.

Duties of same.

Powers.

The superintendent and each member of the guard is hereby vested with all powers and authority of a policeman of the City of Charleston.

The Superintendent shall enforce obedience to all rules and regulations for the government of the guard, as well as for the custody, care and management of the convicts, and shall make a monthly report to the Board of Commissioners. He shall give bond in the sum of one thousand dollars, with two good sureties to be approved by the Board of Commissioners, for the diligent and faithful performance of the duties of his office.

Board to report
to Council.

SEC. 421. The Board of Commissioners shall, on or before the first day of January of each year, make a report to the City Council of the condition of the guard, of the convicts, of the amount of expenditure and of the amount and character of work done by the convicts during the year.

Police Force.

Dec. 31, 1887.
Nov. 11, 1902.

Composition of
force.

SEC. 422. The police force of the City of Charleston shall be composed as follows: A Captain or Chief of Police, one first lieutenant, one second lieutenant, one third lieutenant, two orderly sergeants, eight duty sergeants, eighty-five privates or regular policemen, four detectives, if so many be necessary, one of whom shall be known as chief of detectives, three special detectives, if the same be necessary, four doorkeepers, five drivers, if so many be necessary, and two daymen.

Dec. 9, 1902.

Salaries and
pay.

SEC. 423. The salaries and pay of the police force shall be as follows:

To the captain, \$1,800 per annum; to the first lieutenant, \$1,200 per annum; to the second and third lieutenants, each \$1,080 per annum; to the orderly sergeants, each \$780 per annum; to the duty sergeants, each \$720 per annum; to the

privates, each \$660 per annum; to the chief of detectives, \$900 per annum; to each of the other three detectives, \$720 per annum; and to each of the three special detectives, \$600 per annum; to the doorkeepers, each \$480 per annum; to the drivers, each \$360 per annum; to the daymen, each \$360 per annum.

The salaries and pay aforesaid shall be paid by the City Treasurer semi-monthly to each person entitled thereto, subject to such deductions as shall be made to satisfy fines imposed on any member of the police force by way of discipline or punishment.

That in addition to the salaries hereinbefore prescribed for the Chief of Police and the three Lieutenants, there shall be paid to each of them the sum of \$125 per annum for the feed and keep of a horse.

That, in case of need, the Mayor be authorized to appoint a special detective for service connected with the Assessor's department.

SEC. 424. The Mayor shall, on the second Tuesday in January, in every year, nominate the Chief and Lieutenants of the Police Force, who shall be confirmed by Council.

SEC. 425. All appointments on or discharges from the Police Force of non-commissioned officers or privates shall be made by the Chief of Police subject to the approval of the Mayor, and the Mayor and Chief shall make all the rules and regulations for the government of the Police Force, subject to the approval, alteration and revision of the City Council.

SEC. 426. The commissioned officers shall hold their offices for the term of one year from the date of their appointment. They may be suspended by the Mayor for cause, which suspension shall be forthwith reported to City Council and be subject to their action. For disobedience, misconduct or

Fines.

\$125 to Chief
and Lieutenants
for horse feed.

Mayor to ap-
point special de-
tective for Assess-
or's Department.

Officers, how
appointed.

Appointments
and dismissals.

Term of office
and punishment.

violation of the rules of the Police Force, commissioned officers shall be tried by the City Council, and be subject to be removed or receive such other punishment as may be fixed by a majority of the City Council present at such trial.

Officers to give bonds.

SEC. 427. Before entering upon the duties of their offices, the Chief of Police shall give bond in the sum of two thousand dollars, and the Lieutenants, each, in the sum of one thousand dollars, with sufficient sureties, to be approved by the City Council, for the faithful performance of the duties of their respective offices.

Special policemen and pay of same.

SEC. 428. The Mayor may, upon any emergency or apprehension of mob, tumult or riot, appoint as many special policemen as he may deem necessary; such special policemen shall be paid not more than two dollars per day for their services while actually employed.

Individuals may have special police appointed.

SEC. 429. Any individual, firm or corporation needing special policemen may, upon application to the Mayor, have proper persons appointed; such special policemen and the policemen so appointed shall be subject to the orders of the Chief of Police, and shall obey the rules and regulations for the government of the police force, and conform to its general discipline and such special regulations as shall be made, and shall wear such badge as may be prescribed, and shall during such appointment possess all the powers of a regular policeman, but shall receive no pay whatever from the City. The person so appointed may be removed at any time by the Mayor.

Dec. 9, 1902.

No policemen entitled to fines.

SEC. 430. No officer or private of the police force shall be entitled to any portion of the fines imposed for the violation of city ordinances, but the whole thereof shall be paid to the City Treasurer. But the fines imposed upon the members of the police force for divers delinquencies and all de-

ductions for lost time shall be set apart and form a special pension fund and be placed to the credit of the Commissioners of the Police Relief and Pension Fund. And of the amounts placed to the credit of the said Commissioners of the Police Relief and Pension Fund, two-thirds of the same shall be carried for, as and to the principal of the said fund, and the remaining one-third, together with the interest accruing on the principal in any one year, may be used by the said commission for the support in whole or in part of the aged and decrepit representatives of the police department, who, during their connection therewith, have rendered faithful service and never have been discharged for cause, and for members of the police department who have been disabled in the discharge of their duty.

Police Relief
and Pension Fund
established.

The said commission, at the end of every fiscal year, shall cause to be carried to the principal of said fund whatever amount there remains of said hereinbefore specified one-third and the interest on the fund that has not been expended and is in excess of the sum of five hundred (\$500) dollars.

It shall be the duty of the said Commissioners of the said Police Relief and Pension Fund to invest said funds in State or Municipal bonds, or certificates of indebtedness, or to allow said funds to remain in the City Treasury, and while so remaining said fund shall be credited with interest thereon, at the rate received by the city for the public funds deposited in the designated depository of the funds of the city.

To invest
funds.

The Police Relief and Pension Fund Commission shall consist of the Mayor (ex-officio) and two citizens to be elected by the City Council at the second meeting in January, 1903, one for a term of two years, and one for a term of three years, and at the second meeting in January, 1905, and in every year thereafter, shall be elected one citizen

How composed.

as a Commissioner of the Police Relief and Pension Fund for a term of two years.

To make rules
to be approved
by Council.

Make report.

Chief to make
quarterly reports.

Persons engag-
ed in mercantile
business to put
up sign boards.

Penalty for de-
fault.

Not to apply to
special partners.

Said commissioners shall have power to make such rules and regulations as they deem best, provided the same shall not conflict with the City Ordinances, and provided further that such rules and regulations shall be approved by City Council, and said commissioners also shall at the second meeting in January of each year present to City Council a full, detailed statement of their receipts and expenditures, together with the amount of the principal of said fund.

SEC. 431. The Chief of Police shall make on or before the first day of January, April, July and October in each year, a report to the City Council of Charleston of the condition of the police force, and the amount of expenditures of the same.

SEC. 432. Every person keeping a shop or store, or engaged in mercantile business within the city of Charleston, shall post up and keep posted up, in some conspicuous place, at his or her business stand and stands, a proper and conspicuous sign board or plate, containing his or her given name and surname; and in case of a partnership the given name and surname of each member of the firm. And every person offending or making default herein shall be subject to a penalty of fifty dollars or imprisonment in jail not exceeding thirty days for each and every offence or default; and, in addition thereto, a further sum of fifty dollars for each and every month during which the provisions of this ordinance shall remain not complied with; provided, however, that nothing herein contained shall apply to the special partners of a limited partnership.

SEC. 433. It shall not be lawful for any person or persons to draw off, take or remove any lamp oil, paint or other oil, from any cask, jar, hogshead, barrel or vessel containing the same, standing or

being upon the pavement or sidewalk of any street, lane or alley within the city; and any person or persons offending against this section shall be liable to a penalty of twenty dollars, one-half thereof for the use of the informer, and the other moiety for the city, and failure to pay said penalty shall subject such person to imprisonment not exceeding ten days.

SEC. 434. It shall be the duty of the Police Department to arrest any person who may be found digging up the streets or sidewalks for any purpose without the written permit of the Superintendent of Streets, approved by the Mayor.

SEC. 435. It shall not be lawful to or for any person or persons to make use of any foot pavement for the purpose of rolling any barrels or wheel-barrows, or of driving any cart or dray, or carts or drays, or riding or leading, or hitching any horse, or horses, upon the same. Every person herein offending shall, for each and every such offence, be fined in the sum of five dollars or be liable to imprisonment not exceeding five days.

Barrels not to be rolled upon foot pavements.

SEC. 436. Every person who shall wilfully take up or carry away, or cut, or otherwise injure any post or posts, which have been or may hereafter be put along the edge of any foot pavement, shall be liable to a penalty of fifteen dollars, or imprisonment not exceeding five days, for each and every post so taken up, carried way, cut or injured.

Penalty for carrying away or injuring any post.

SEC. 437. That three or more persons shall not stand in a group or near to each other, on any sidewalk, or in any street or public thoroughfare, in such a manner as to obstruct a free passage for foot passengers, after a request or order to move on made by any officer or private of the police force: *Provided*, That in times of public danger, existing or threatened, it shall be the duty of the police force to keep the streets clear of all gatherings, and no

May 25, 1880.

Unlawful to stand on streets so as to obstruct same.

Penalty.

citizen shall be allowed to remain standing on the streets after a request to move on has been made by any officer or private of the police force. That any person or persons who may be convicted, by any court of competent jurisdiction of violating any of the provisions of this section shall be subject to a fine of not more than one hundred dollars, or imprisonment not exceeding thirty days.

Nov. 20, 1806.

Awnings, sign-boards, etc.

Balconies.

SEC. 438. No cloth awning shall be put in such a manner as to obstruct foot passengers; and no sign board shall be erected otherwise than nine feet from the surface of the ground or foot pavement; and not more than one wooden balcony shall be affixed to any house or building in front of any street, lane, alley or open court; and every such balcony shall be above the first story of such house or building, and shall be uncovered or open at the top, and firmly supported by sleepers, fixed in the walls of the house or building to which it is attached, and shall not extend more than four feet beyond the same, under a penalty of twenty dollars for each and every day while any such awning, signboard or balcony, fixed or formed otherwise than is herein directed, shall so remain, or by imprisonment not exceeding ten days for each and every offence.

Penalty.

Sept. 25, 1849.

Not lawful to erect wooden posts or frames for awnings.

Not lawful to keep up any awnings after sunset.

SEC. 439. It shall not be lawful to erect or put up wooden frames or wooden posts, for awnings, in any of the streets, lanes or alleys of this city; and any person or persons offending herein shall be subject to a penalty not exceeding forty dollars, or imprisonment not exceeding ten days, for each and every offence.

SEC. 440. It shall not be lawful for any person or persons to fix or keep up, open, and unfurled, any awning of canvas, linen, or other cloth, in any of the streets, lanes or alleys of this city, at any time or times between the going down of the sun and the rising of the same; and any person or per-

sons offending herein shall forfeit and pay the sum of ten dollars, or five days imprisonment in jail, for each and every offence.

SEC. 441. No person shall, for the purpose of exposing any goods, commodities, or other articles for sale, place or cause to be placed, any such goods, commodities or other articles whatsoever, on any table, bench, stall-board, box, or other appendage, in any street, lane, alley or public thoroughfare, or on any foot pavement within the city, under a penalty of twenty dollars, or imprisonment not exceeding ten days, for each and every offence, and for each and every night or day, as the case may be, on which any such offence is committed: *Provided, however,* That auctioneers and vendue masters shall be permitted to expose, before their stores, such goods and commodities as they sell at public auction; but not to take up more room than the front of their respective vendue stores, and to the distance of six feet beyond the same.

Nov. 20, 1806.

No stand for
sale of goods al-
lowed in the
streets.

Auctioneers
may expose be-
fore their stores
goods to be sold
at auction.

SEC. 442. That his Honor the Mayor be, and hereby is, empowered to appoint three special detectives, to be known as Dispensary Law detectives, who shall constitute a part of the City Police force, but who shall not be required to appear in uniform, whose chief duty it shall be to keep a constant lookout for violations of the State Dispensary Law, and to report to the Chief of Police all offenders detected in making such violations, and in general to enforce the provisions of the said law. That said detectives shall receive the same pay as do the privates on the police force.

Dec. 18, 1894.

Special detect-
ives for Dispens-
ary Law.

SEC. 443. That it shall be the duty of the entire police force of the City to co-operate with such special detectives in the rigid enforcement of the Dispensary Law.

Entire force to
co-operate.

SEC. 444. Any person or persons who may be

Oct. 22, 1821.

Penalty for assaulting the police.

guilty of assaulting the police in the performance of their duty, shall be fined not less than twenty dollars or more than one hundred dollars, or shall suffer such imprisonment not more than thirty days, as the Judge or the Court trying the case may deem fit.

Fire-Masters and Companies.

Dec. 22, 1896.

Oct. 17, 1881.

Nov. 30, 1881.

Composition of Board.Term of office.Number of engines.

Dec. 22, 1896.

Officers.Officers and men for each engine.

SEC. 445. That a board of seven fire commissioners, to consist of the Mayor and six citizens, appointed by him and confirmed by City Council shall constitute the board of firemasters of the City of Charleston, and shall hold their office for a term of four years from the first day of January next following the date of their confirmation.

That the fire department of the City of Charleston shall consist of such and as many engines, hook and ladder trucks, reels, wagons, horses, hose and other appliances as the fire commissioners, with the consent of the City Council, and the approval of the Mayor, may from time to time determine.

SEC. 446. The force of the fire department shall be composed as follows: One chief, one assistant chief, seven engineers, seven assistant engineers, one tillerman, one assistant tillerman, one lineman, one battery man, twenty-five drivers and helpers, eight foremen, forty-seven callmen and one superintendent of horses. The entire force, except foremen, callmen and superintendent of horses, shall be deemed the permanent force of the fire department, devoting their entire time to the duties required of them. The foremen, callmen and superintendent of horses shall perform such duties as may be required and prescribed by the board of firemasters.

SEC. 447. That each steam fire engine shall have the following complement of officers and men:

One engineer, one assistant engineer, one foreman, two drivers, one helper, and six callmen, and shall have three horses.

SEC. 448. That each truck shall have one tillerman, one assistant tillerman, one driver, one foreman, one helper and seven callmen, and shall have two horses. Same for trucks.

SEC. 449. The following annual salaries are June 9, 1903. hereby established: Salaries.

The salaries and pay of the force of the fire department shall be as follows from and after January 1, 1897:

One Chief, salary and keep of horse, per annum	\$ 1,625 00
One assistant chief, \$1,200 per annum.....	1,200 00
Seven engineers, each \$900 per annum.....	6,300 00
Seven assistant engineers, each \$600 per annum	4,200 00
One tillerman, \$600 per annum.....	600 00
One assistant tillerman, \$425 per annum.....	425 00
One batteryman, \$480 per annum.....	480 00
One line man, \$420 per annum.....	420 00
Twenty-five drivers and helpers, each \$414 per annum	10,350 00
Eight foremen, each \$255 per annum.....	2,040 00
Forty-seven callmen, each \$235 per annum	11,045 00
One superintendent of horses, \$300 per annum	300 00
	<hr/>
	\$38,985 00

SEC. 450. That the government of the Fire Department being vested in the Board of Fire Masters, they shall have power and authority to make such rules and regulations as they may deem necessary for the good government of the said Department:

Ib., § 6.
Government of
department vested
in Board.

Provided, All such rules and regulations are approved of by the City Council, who may confirm, alter and amend, or annul the same; and they shall, with the approval of the City Council, locate the stations of engines, reserve engines, reels, trucks, and fuel wagons; and shall elect all the officers and men hereinbefore designated, after ten days public notice of said election, the result of which said election shall be reported to and confirmed by the City Council at their next regular meeting thereafter. That the persons so elected to manage the said engines, trucks, &c., shall hold their several offices during good behavior, subject to the rules and regulations of the Fire Masters, made for the discipline and the efficiency of the Department.

Term of office
of employees.

Ib., § 7.

Engineers to
be examined.

SEC. 451. That the Board of Fire Masters shall direct every applicant for the position of engineer of any company in the Fire Department, to stand an examination before a Board of experienced engineers—not employed in the paid service of the Fire Department—said Board to be elected or appointed by the Board of Fire Masters, and the fee, if any, for such examination, to be paid by the applicant.

Ib., § 8.
Dec. 22, 1896.

Annual meet-
ing.

Election of offi-
cers.

SEC. 452. The annual meeting of the said board of Fire Masters shall be held on the first Monday in January, in each and every year, at which meeting they shall elect the chief and assistant chief and report the result of such election to the City Council for confirmation.

Ib., § 9.
Apparatus of
Fire Department
to have right of
way.

SEC. 453. The apparatus of the Fire Department shall have the right of way in and upon the streets, lanes, alleys, squares, railroad crossings and wharves of the City, in going to any fire, or being upon such streets, lanes, alleys, squares or wharves in pursuance of an alarm of fire. No persons shall obstruct or neglect to make way for any of such apparatus being thus in or upon any of said streets, lanes, al-

leys, squares, or wharves, under a penalty for every offence of not less than five dollars, or more than twenty-five dollars, or to an imprisonment of not more than thirty days: *Provided, always,* That such apparatus in going to a fire shall not proceed faster than a trot, and in returning from a fire, shall not proceed faster than a walk.

SEC. 454. That it shall not be lawful for any person or persons whomsoever to ride or drive a vehicle through the streets or lanes in which the fire department are assembled for the purpose of extinguishing a fire; and should any person or persons attempt to ride or drive a vehicle through the streets and lanes in which the fire department are assembled for the purpose aforesaid, he or they shall be subject to a penalty not exceeding fifty dollars for every offence so committed, to be recovered in any court having competent jurisdiction, or imprisonment not exceeding thirty days.

SEC. 455. The Board of Fire Masters shall have power to make such rules and appoint such committees for the convenience of their own government as shall to them seem expedient: *Provided,* same do not conflict with any Ordinance or regulation of Council.

SEC. 456. The Chief, Assistant Chief, Clerk, Superintendent of Fire Alarm, engineers and foremen of companies, shall not leave the City without the consent, in writing, previously obtained from the Chairman of the Board of Fire Masters, under pain of forfeiting their office; and after such forfeiture the Board shall proceed forthwith to fill the vacancy.

SEC. 457. The Board of Fire Masters shall have power to fine, suspend, or dismiss any of the officers or men who shall have been elected by the said Board, for any violation of the rules of the Department, after a full and impartial hearing and trial

Ib., § 10.
Not lawful to
drive in the
streets where de-
partment are as-
sembled.

Penalty.

Ib., § 11.
Board to make
rules.

Ib., § 12.
Officers not to
leave the City.

Ib., § 14.
Board to fine
or suspend em-
ployees for viola-
tion of rules.

shall have been given to such officers or men by the said Board, at a meeting to be called for that purpose.

Ib., § 15.

No person allowed within line of operations at fire.

SEC. 458. As far as may be practicable, no person whatever, not connected with the Fire Department, Police Force, or Underwriters' agents, shall be allowed to remain within the line of operations unless actually employed; and for this purpose a cordon shall be drawn around the fire, within which no person shall enter unless his services be required.

Ib., § 16.

Board and officers to have control of fires.

SEC. 459. All the operations at a fire shall be considered as under the direction and control of the Fire Masters, and the officers of the fire department; and any person who shall oppose, interfere with or refuse to obey their directions or any of the regulations herein prescribed, or which may hereafter be prescribed by the Board of Fire Masters, with the consent of the City Council, shall be liable to a fine of not less than five dollars nor more than fifty dollars, or imprisonment not exceeding thirty days; and any person in any way interfering with the Fire Masters or the Fire Department may be arrested and removed beyond the line of operations, or committed, as the case may be.

Ib., § 17.

Directions for shutting off gas.

SEC. 460. Whenever a fire occurs within the City of Charleston, it shall be the duty of the Chief of the Fire Department, or any of his Assistants who may be on duty at such fire, to give directions for shutting off gas from any house on fire, or about to take fire; and no person other than the occupant of the house, shall shut off the gas, except by the express order of such Chief or Assistants.

Ib., § 18.

Penalty for shutting off gas without order.

SEC. 461. Before any such order shall be given, full and sufficient notice shall be given to the inmates of the house, to enable them to make such arrangements as the urgency of circumstances will permit. Any person who shall shut off the gas from

a house on fire, or in the neighborhood of a fire, without the order of the Chief of the Fire Department, or one of his Assistants, or of the occupant of the premises, shall be liable to a penalty of one thousand dollars, to be recovered in any court of competent jurisdiction. Should the Chief of the Fire Department, or either of his Assistants, order the gas to be shut off from any house not actually on fire, without first giving full notice of such order to the inmates of the house, and in time for them to make such preparation and arrangements as circumstances will admit, he or they shall be subject to a penalty of one hundred dollars, to be recovered in any court of competent jurisdiction.

SEC. 462. In the event of a vessel or vessels entering the Port of Charleston on fire, or vessel or vessels taking fire in the stream after having hauled out from the wharf or wharves, the Fire Masters are empowered to negotiate for the service of the Fire Department in extinguishing said fires; and all such funds so obtained shall be appropriated in such manner as may be determined by the Board of Fire Masters.

SEC. 463. It shall not be lawful for any person or persons to put lumber, bricks or other materials on or in the immediate neighborhood of any public fire-well or hydrant, so as to obstruct the approach thereto, or the working of the fire engines or trucks, or in front of any engine or truck house, whereby the free ingress and egress of the engine or truck may be prevented; and any person offending herein shall be liable to a penalty of not less than fifty, nor more than one hundred dollars, or to an imprisonment of not more than thirty days; and in addition thereto twenty dollars for each day such obstruction shall be allowed to remain after notice shall have been given to remove the same.

SEC. 464. It shall not be lawful for any person

Ib., § 19.

Board authorized to contract for putting out fires on vessels.

Ib., § 20.

Unlawful to obstruct fire wells, hydrants, &c.

Penalty.

Unlawful to run wires so near fire alarm wires as to affect their working.

Unlawful to tie horses to poles.

Penalty.

Police to report.

or company to run any telegraph, telephone, electric or other wire, so near the fire alarm telegraph wires as to affect their perfect working, or place obstructions of any kind or nature whatsoever about or near the poles or wires of the said fire alarm telegraph, or to tie any horse or horses to said poles, under a penalty of not more than one hundred dollars for each and very offence, or to an imprisonment not exceeding thirty days, in the discretion of the court trying the case. It shall be the duty of the police to report to the Superintendent of the Fire Alarm any accident to or impediment in the line of said fire alarm telegraph; and it shall be the duty of any police officer or person giving an alarm of fire to remain at the box from which the alarm is given to locate the fire for the Department.

Ib., § 21.

Board may prohibit use of public wells.

SEC. 465. It shall and may be lawful for the Board of Fire-Masters, from time time, to restrain, or to prohibit entirely, the use of any of the public wells in any part of the City, whenever, in their judgment, the public good shall require such restraint or prohibition; and any person who shall violate any order of the said Board of Fire-Masters, in relation to the public wells, after notice given personally in writing, or duly published in one of the City newspapers, shall be subject to a penalty of ten dollars for every such offence, or to an imprisonment of not less than ten days.

Ib., § 22.

Chief to enquire into origin of fires and report to Council.

SEC. 466. It shall be the duty of the Chief of the Fire Department to inquire into the origin of every fire that occurs in the City of Charleston, and to keep a record of the same in proper books for that purpose; and he is hereby authorized and empowered to summon, through the Chief of Police, and examine such persons as witnesses, as he may think proper. He shall report to the City Council the cause and locality of all fires, the amount and character of property destroyed, and the amount of in-

surance thereon. And in all cases where the circumstances indicate that the fire is the act of an incendiary, he shall take the necessary steps to bring the offender to punishment.

SEC. 467. If any person shall make, cause to be made, or have in his possession, an impression or duplicate of any signal box key, without the express permission of the Superintendent of the Fire Alarm, such person shall, upon conviction thereof, before any court of competent jurisdiction, be fined in any sum not less than ten dollars, nor more than one hundred dollars, at the discretion of the Court, with costs of prosecution. It shall be unlawful for any person to give, or cause to be given, a false alarm, with intent to deceive, or to pull the slide of any station or signal box, except in case of fire; or to tamper, meddle or interfere in any way with said boxes, or any part thereof; or to cut, break, injure, deface or remove any of the said boxes, or any of the wires or supports thereof, connected with any part of said Fire Alarm; or to make any connection or communication therewith, so as to interrupt or interfere with the proper working of the same, or with evil intent to injure, break or destroy any machinery or fixtures connected with it. Any person guilty of a violation of any of the provisions of this Section shall, upon conviction thereof before any Court of competent jurisdiction, be fined in a sum not less than twenty-five dollars, nor exceeding two hundred and fifty dollars, or by imprisonment, at the discretion of the Court.

SEC. 468. The Chief of the Fire Department shall have signs painted and placed over each alarm box, stating where the key of the same may be found; and the said Chief shall make an annual inspection and see that the keys are in their proper places.

SEC. 469. In addition to the Fire Commissioners heretofore provided to be appointed as Fire-Masters,

Ib., § 23.
Duplicate keys
to alarm boxes
prohibited.
Proviso.

May 12, 1892.
Signs to be
placed at alarm
boxes.

Ib., § 5.
Advisory mem-
bers.

there may be appointed for a like term, by the Mayor, at the request of the Board of Fire Underwriters in the City of Charleston, two members, who shall be known as "Advisory Members of said Board." They shall be entitled to seats at all meetings of said Board, and participate in their deliberations, but shall not be entitled to vote.

Salvage corps.

SEC. 470. That the Salvage Corps and its outfit, maintained and kept by the Board of Fire Underwriters of the City of Charleston, shall be, and is hereby recognized as a part of the Fire Department of the City of Charleston, and shall be subject to the Ordinances, Rules and Regulations governing the said Department, and shall be entitled to all the rights and privileges of said Department and shall have authority to enter any building on fire, or endangered by fire or water, for the protection of goods, or the removal of the same, but shall receive no pay from the City.

Fire Escapes.

March 25, 1884.

Fire escapes to be provided in buildings where operatives are employed in stories above the first story.

SEC. 471. Any building already erected, or which may hereafter be erected in the City of Charleston, in which operatives are employed in any of the stories above the first story, shall be provided with such fire escapes as shall be approved by the Chief and Assistant Chiefs of the Fire Department, and the Clerk of the Board of Fire-Masters; and the owner or owners of any building upon which any fire escapes may now be or may hereafter be erected, shall keep the same in good repair, and no person shall, at any time, place any incumbrance of any kind whatever upon any said fire escapes now erected or that may hereafter be erected in said City.

Chief and Assistant Chiefs of Fire Department to inspect.

SEC. 472. It shall be the duty of the Chief and Assistant Chiefs of the Fire Department, and the Clerk of the Board of Fire-Masters, to inspect all

dwelling-houses now erected in the City of Charleston, occupied by two or more families, on any of the floors above the first floor from the level of the street, and any building now erected, occupied or used as a school house, theatre or other place of amusement, hotel, boarding or lodging house, factory, mill or manufactory, or for offices or workshops in which persons are employed in any of the stories above the first story, and, if in their opinion, such building is not provided with proper facilities for the escape of such persons in case of fire, they shall immediately serve a notice in writing upon the owner or owners, agent, or other party or parties having an interest in said building, requiring such facilities to be provided without delay.

SEC. 473. If any person or persons so notified shall refuse or neglect to provide such facilities to the satisfaction of said Chief and Assistant Chiefs of the Fire Department, and the Clerk of the Board of Fire Masters, within such time as they may designate, then a careful survey of the premises named in said notice shall be made by three disinterested persons, one to be appointed by the said officers, one by the owner or interested party, and the third chosen by these two, and the report of such survey shall be reduced to writing, and a copy served upon the owner or other interested party, and if said owner or other interested party refuse or neglect to appoint a member of said Board of Survey, then the survey shall be made by the Chairman of the Board of Fire-Masters, and the Chief of the Fire Department, and in case of disagreement, they shall choose a third person.

SEC. 474. If the report of such survey shall require the furnishing of the facilities as aforesaid, the requisite changes or alterations in the building shall be particularly described, and a copy thereof served upon the owner or owners, agent, or other

What buildings,
must have fire es-
capes.

Proceedings
where parties, af-
ter notice, neg-
lect to provide
fire escapes.

Survey.

Notice to be
given.

parties having an interest in said building, notifying such person to have such changes and alterations made within a certain time therein to be fixed.

Penalty.

SEC. 475. If the owner or other interested party shall refuse or neglect, after such notification, to furnish the facilities therein required and set forth, said owner or other interested party shall pay the sum of fifty dollars for every day's continuance of said refusal or neglect.

Outlets from buildings.

Penalty.

SEC. 476. It shall be the duty of the said Chief and Assistant Chiefs of the Fire Department, and the Clerk of the Board of Fire-Masters, to inspect all churches, schools and buildings wherein large assemblages do congregate, and require the outlets to the same to be arranged in such a manner as will most easily permit the inmates to escape in case of accident or fire. Any person failing to comply with the requirements of this Section, after having been notified by the said Chief and Assistant Chiefs of the Fire Department, and the Clerk of the Board of Fire-Masters, shall pay a fine of fifty dollars for every day after the expiration of the time within which such alteration may be required to be made by said officers.

CHAPTER XI.

Market.

May 6, 1807, §1.
Dec. 8, 1891.

July 9, 1901.

SEC. 477. The Commissioners of the Market shall have the power and authority to make, or cause to be made, all such appendages and improvements in Market Street as to the Commissioners, or a majority of them, may appear proper and conducive to the best interests thereof, and the City of Charleston. Provided, however, that all expenses attendant on, or incident to the building, appendages and

improvements aforesaid, as well as all costs of keeping the same in proper order and repair, shall be solely and entirely defrayed out of the yearly appropriation.

SEC. 478. All stalls shall be let out or hired by the Commissioners; and every person to whom the use of a stall or stalls shall be granted, shall pay to the Clerk of the Market a monthly rent of four dollars for each stall; and shall forfeit all right and title thereto, on failing or neglecting to pay such rent on or before the fifth day of every month. *Provided, however,* That the Commissioners of the Market shall be authorized, with the approbation of the City Council, to alter the amount of stall rents, and the time of payment, giving to the parties concerned one month's previous notice of any such alteration.

SEC. 479. No person shall be allowed to sell any meat, vegetables, provisions, or any other article in the market, except a lessee of one of the market stalls, or a person in the employment of a lessee, unless such person shall have previously applied to the Clerk of the Market and obtained the permission in writing of the Weekly Committee of the Commissioners of the Market. And if any article shall hereafter be brought into the public market, and offered for sale without such permission first obtained, or in any other respect contrary to the City Ordinances, or the rules and regulations of the market, the same shall be liable to be seized by the direction of any of the Commissioners; and to effect such seizure the Commissioners are authorized to require the services of the Clerk of the Market, or police officers of the City, and the article or articles so seized shall be disposed of in the same manner as is provided in other cases of seizure in the public market.

SEC. 480. The Commissioners of the Market are

May 6, 1807, § 4.
Stall Rents.

Oct. 19, 1835, § 1.
No person allowed to sell in the market except the lessee of a stall.

Ib., § 2.

**Commissioners
may vacate the
lease of any stall.**

hereby authorized, when they deem the same necessary, to vacate and determine the lease or hiring of any of the stalls of the public market. And whenever the said Commissioners shall see fit to declare any stall vacant, and to determine the lease thereof, notice in writing shall be given by the Clerk of the Market to the person hiring or leasing said stall, either personally or by affixing said notice to the said stall, and thereupon the right or authority of such person or persons to use or occupy such stall shall instantly cease; and if such person or persons, after such notice, shall attempt to sell, or offer for sale at said stall any article or articles whatever, the same shall be liable to be seized and forfeited by the direction of three of the Commissioners aforesaid; and each person so offending shall, moreover, be liable to the penalty of twenty dollars, or imprisonment not exceeding ten days.

Ib., § 3.

**Mode of enforc-
ing payment.**

SEC. 481. When any person or persons hiring or leasing a stall in the market shall fail to pay the rent due for the occupation thereof, the Clerk of the Market shall be authorized, with the consent of a majority of the Commissioners, to seize upon any article offered for sale at such stall, and sell the same, the proceeds to be applied to the payment of the rent due.

Ib., § 5.

**Butchers not
to transfer stalls.**

SEC. 482. No butcher or other person shall have a right to dispose of, or to transfer, his or her stall or stalls to another butcher, or any other person whomsoever; but the Commissioners of the Market shall have full power and authority to grant, according to their discretion, the use and possession of every stall, on its becoming vacant, by the forfeiture or expulsion of the former holder, or by his retirement from the trade of a butcher. *Provided, however,* That nothing herein contained shall extend, or be construed to extend, to exclude the widow, or child, or children of the holder of a

Proviso.

stall, upon his decease, from the further use and possession thereof, whilst she, or they, or either of them, do *bona fide* continue to carry on the butcher's business. *And, provided, also,* That an additional and adjoining stall may be granted by the Commissioners of the Market, or by a majority of them, to a butcher whose business may require more than a single stall, if it can be done without debarring at the same time another applicant, who is desirous of pursuing the trade of a butcher, and who, being without a stall, cannot be otherwise accommodated by a vacant stall in the market.

Commissioners
to grant additional
stalls to those
needing more
than one.

SEC. 483. The Commissioners of the Market, when granting the use and possession of a butcher's stall, shall give to the grantee thereof a certificate, countersigned by the Clerk of the Market, which certificate shall specify the number or other description of the stall, and the terms of its tenure. And if any person shall use or occupy a stall, or part of a stall in the market, without having previously obtained a certificate, or shall occupy a stall, or part of a stall, other than specified in the certificate, he or she shall be subject to a fine not exceeding ten dollars for each and every such offence, or imprisonment not exceeding ten days.

Ib., § 6.
Commissioners
to grant certificate
to holders of
stalls.

SEC. 484. No fresh beef, pork, veal, mutton, lamb, or other meat, shall be cut up and exposed for sale at any place within the city, other than the public market, or green grocer shops, where sale thereof shall be permitted by the City Council, under a penalty of ten dollars for each and every such offence, or imprisonment not exceeding ten days, and all parties selling, or offering for sale, fresh meats, other than from the public market, or from green grocers' shops, shall be subject to the provisions and penalties prescribed in this Section.

Ib., § 7.
Fresh meats to
be sold in market
or green grocer-
ies.

SEC. 485. No bullock, ox, cow, or other grown neat cattle intended for sale, shall be killed within

Jan. 14, 1890.

Ib., § 8.
Grown cattle
not to be killed in
City.

the limits of the City; and sheep, swine, calves and goats intended for sale, shall not be killed in any part of the City, except in such place or places as the Commissioners of the Market, or a majority of them, may appoint.

Ib., § 9.

Meats, how to be brought to City.

SEC. 486. It shall not be lawful to or for any butcher, or other person, to bring, or cause or suffer to be brought, any kind of meat into the city on any Sunday afternoon before 6 o'clock, from the first day of April to the last day of September; or before 5 o'clock from the first day of October to the last day of March; or to shut up any sheep, swine, calves or goats, one or more, in any open pen attached to the public market, in the city, from Saturday night until Monday morning, under a penalty of ten dollars for each and every such offence, or imprisonment not exceeding ten days.

July 12, 1825, § 4.

Butchers to keep covered carts, and to mark them with number of their stall.

SEC. 487. No butcher or other person shall use, or cause or suffer to be used, for the purpose of carrying any kind of fresh meat, either to or from the market, or through any part of the city, any wagon, cart, wheelbarrow, or other carriage, unless the same be enclosed with a permanent cover, made of such materials as shall be approved by a majority of the Commissioners of the Market, and unless the number of the stall of the butcher, or other person to whom the same shall belong, shall be painted on some conspicuous part thereof. And any person herein in anywise offending shall be subject to a fine of ten dollars, or imprisonment not exceeding ten days.

May 6, 1807, § 10.

Carts and wagons regulated.

SEC. 488. No butcher, or any other person bringing meat or provisions of any kind for sale to the market within the city, shall keep his or her wagon, cart, or other carriage, horse or mule, one or more, nearer the said market, or for a longer space of time, or shall range them, in any other manner and form than as shall or may be regulated by the

Commissioners thereof, and directed by the Clerk of the same, under a penalty not exceeding ten dollars for each and every such offence, or imprisonment not exceeding ten days.

SEC. 489. Every person to whom the Commissioners of the Market shall, or may assign, or cause to be assigned by the Clerk thereof, a stand for the selling of vegetables, or other provisions at the said market, shall pay to the Clerk fifty cents in advance, which payment shall entitle such person to the use of such stand for one week, and no longer; and which payment, in advance, shall be continued every week, while such person brings or sends vegetables or other provisions to the said market for sale; but any transient person, who brings only occasionally vegetables or other provisions to market, shall pay ten cents per day for the use of a stand. And every person coming to the said market with vegetables or other provisions for sale, and failing or neglecting to make such payment in advance, or per day, as the case may be, shall be expelled therefrom, and shall not be permitted to sell, or offer for sale, any article or articles whatever, within the limits, or in any part of the said market, until such payment is duly made, on pain of having every article, which he or she shall bring to the said market for sale, seized by the Clerk thereof. *Provided, however,* That the Commissioners of the Market shall be authorized, with the permission of the City Council, to alter the foregoing rates, from time to time, and every person resorting to the public market in the City, for the purpose of selling vegetables or other provisions, shall occupy no other stand or place at the same, than the one assigned to him or her by the Commissioners or Clerk thereof, under a penalty of five dollars for each and every such offence, and for each and every day, or part of a day, on which such offence is committed.

Ib., \$11.
Price of stand
for vegetables.

Commissioners
of the Market au-
thorized, with per-
mission of Coun-
cil, to alter the
rates from time
to time.

Ib., § 14.Fish Market.Ib., § 15.Sale of fish.Aug. 8, 1899.Sale of fish on streets.May 6, 1807.Market days.Market hours.Penalty for selling after market hours.Aug. 14, 1843.Sale of articles on Sunday prohibited.

SEC. 490. Fresh fish shall not be sold at the fish market, or in any part of the city, otherwise than under such regulations with regard to strings or weight as may, from time to time, be established by the Commissioners of the Market. Any person violating this Section, upon conviction, shall be fined not less than five dollars, or be imprisoned not less than five days.

SEC. 491. All fishermen shall be allowed to cry their fish about the streets of the city, if they have paid their monthly dues to the market, and have received from the Clerk or Assistant Clerk a printed badge, which shall not be transferable, and which shall, at all times, be exposed to sight. Any person violating this Section, upon conviction, shall be fined not less than five dollars, or be imprisoned not less than five days.

SEC. 492. Every day in the week (Sunday excepted) shall be, and hereby is appointed a public market day within this city, and the public market shall be held at such place or places as the City Council shall, from time to time, determine and establish, and while such determination and establishment shall be and remain of force. But no person or persons shall sell, or offer for sale, any species of meat or of vegetables, or any other provisions at the public market, before sunrise in the morning (at which time the market bell shall be rung), nor longer than 11 o'clock in the forenoon. And any and every person selling, or offering for sale, at the public market, any of the foregoing articles after the hours above limited respectively, shall, for each and every such offence, be subject to a fine not exceeding ten, nor less than five dollars, or imprisonment not less than five days.

SEC. 493. It shall not be lawful to sell in the public market, or in any other part of the city, on Sunday, any articles whatsoever of fresh or salt

meats, fish, poultry, vegetables, fruits, grain, hay, blades or provisions, and every person shall, for each and every such offence, be subject to a fine of not less than twenty dollars, or imprisonment not exceeding twenty days.

Penalty.

SEC. 494. From the first Saturday in June to the first Saturday in October, the sale of meats in the market shall close at 11 o'clock A. M., on every Saturday, after which hour the said meats shall be removed from the market, not to be again brought back, and at 5 o'clock P. M. the market shall again be opened for the sale of fresh meats, and so continue until the close of the market, and every person who shall attempt to sell, or offer for sale, at the market on any Saturday, between the months aforesaid, any article or articles of meats, of any description whatsoever, between the hours hereinbefore specified, or shall, after the hour of 5 o'clock P. M., bring into the market, or offer for sale therein, any meats which had been previously offered for sale in the market, such articles shall be liable to be seized and forfeited, by the order of any three Commissioners of the Market; and each person herein offending shall, moreover, be liable to a penalty of twenty dollars, or imprisonment not exceeding ten days.

Sale of meats
on Saturday.

Penalty.

SEC. 495. No person or persons shall bring into the city for sale, or offer for sale, or sell any diseased cattle or animals, or sell, or offer for sale in the public market, or in any part of the city, any unwholesome or stale articles of provisions, or any poor carrion, blown, puffed up or unsound meat, or measly pork, under a penalty not exceeding fifty dollars, or imprisonment not exceeding thirty days, for each and every such offence. And the Commissioners of the Market, and any two of them, are hereby authorized and required, on receiving information, or upon their own view of any diseased cattle, meat, or other article of provision, of a bad

May 6, 1807.

Sale of un-
wholesome provi-
sions forbidden.

Penalty.

Com m issioners
to destroy such
provisions.

Penalty for opposing Commissioners.

or exceptionable quality, as aforesaid, to examine the same, and, according to their discretion, to cause the same to be taken away and burnt, or otherwise destroyed. And if any person shall twice offend in the premises, or shall oppose or molest or abuse any Commissioner of the Market, or any Clerk thereof, in the execution of his duty, every such person shall be expelled from the market, by order of the Commissioners thereof, or any three of them. For the purpose of this Section, the person in possession of diseased cattle, or unwholesome articles of provisions, shall be deemed the owner thereof, and be subject to the penalties of this Section.

SEC. 496. The Commissioners of the Market shall be, and they are hereby authorized and required to regulate the commissions to be charged for selling meat or provisions of any kind in the public market of the City. And every person charging or taking higher commissions than such as are allowed by the Commissioners, shall forfeit and pay the sum of six dollars for each and every such offence.

No steelyards to be used.

SEC. 497. No steelyards shall be used in the public market (this, however, not to apply to the patent spring scales with dial indicator, which may be used, with the consent of the Commissioners of the Market), but all flesh, grain and other provisions of every kind sold by weight or measure, shall be respectively weighed by scales or weights, or measured by measures duly regulated, and stamped by the Clerk of Weights and Measures; and if any person shall be guilty of selling by steelyards, or shall be guilty of using any unfair trick or deception in weighing or measuring, or shall be guilty of selling by scales unjustly balanced, or by false measurement, or shall be guilty of making use of scales and weights and measures after they, or any or either thereof have been declared by the Clerk of the Market as unfit for use, or shall be

guilty of selling by scales and weights or by measures not stamped as aforesaid, every such person shall for each and every offence be subject to a fine of not less than twenty dollars or imprisonment not exceeding twenty days; and all false or unstamped weights and measures shall, moreover, be forfeited to any person discovering the same, or to the Clerk of the Market; and every person being guilty of any such offence twice in one year shall be expelled from the public market of the City, in the manner specified in the four hundred and ninety-fifth section of this Ordinance. And whenever any person having made a purchase in the market conceives to have been unjustly dealt with in regard to weight and measure, and shall before quitting the market, bring to the Clerk thereof the article or articles suspected of being too light in weight or too short in measure, it shall be the duty of the said Clerk to weigh or measure the same in the public scales or measures, as the case may require, and to decide whether and how far the former weight or measure was deficient.

False weights
forfeited.

Clerk to decide
on short weights.

SEC. 498. Every person carrying on the trade of a butcher in the market shall have at each and every stall hired by him or her, his or her own scales and weights, and be responsible for the same: *Provided, however,* that when two butchers occupy a double stall one scale may be used by both butchers jointly, who shall be jointly and severally liable in the event the scale or weights be defective or contrary to Ordinance. And if any meat is weighed on any other scales than those belonging to the butcher who sells the same, he or she shall be subject to a fine of two dollars for each and every such offence, or imprisonment not exceeding two days.

March 11, 1879.

Butchers to
keep their own
scales.

SEC. 499. No butcher or other person shall sell or offer for sale in the market any meat or other article salable at market, unless the said person be cleanly clad; every butcher shall have on and wear

June 20, 1814, § 6

Butchers to wear
white aprons.

Penalty.

May 6, 1807, § 28.
Aug. 26, 1831, § 1.
June 15, 1897.

Council to elect
Commissioners of
the Market.

Powers of Com-
missioners.

Meetings.

Officers to be
elected.

To make regu-
lations.

Restrictions.

a clean apron, made of white linen or cotton stuff, or of osnaburg. And every butcher who shall neglect so to do shall be subject to a fine of ten dollars for every offence, to be recovered in the Recorder's Court for the use of the market.

SEC. 500. City Council shall, on the 2d day of January, 1905, and every fourth year thereafter, elect a Board of Commissioners for the market, consisting of thirteen members, who shall serve until their successors are elected.

SEC. 501. The Commissioners of the Market shall be authorized and empowered to perform all such functions and to exercise all such powers in the public market, or in any other part of the City, as are in them or any of them vested by this Ordinance, according to the tenor, true intent and meaning of the same. They shall hold a Board on or before the seventh day of every month, at the upper room in the brick building of the Market, and otherwise meet as often as may be necessary. They, or a majority of them, are also authorized and empowered to elect annually a Clerk, who shall be Chief Clerk of the Market; one Assistant Clerk—and a Clerk of Weights and Measures, who shall be a person having a practical knowledge of the properties of lever and balance, and be charged with the regulations of weights and measures, under the direction of the Commissioners of the Market; and, further, to make such regulations and arrangements respecting the internal management and other concerns of the market, as to them may seem suitable and expedient:

Provided, however, That in all elections they shall conform to all Ordinances of the City relative to the election and appointment of officers: *And, provided, also,* That none of their rules and regulations shall be repugnant to any of the provisions herein contained, or shall, if not herein contemplated, become binding and of force, unless approved by Council.

SEC. 502. The Commissioners of the Market shall submit their accounts to the City Treasurer and for the inspection of Council quarterly, that is to say, on the 20th day of November, 20th day of February, 20th day of May and 20th day of August in every year. All collections must be paid over to the City Treasurer by the Chief Clerk, acting as their treasurer, not later than Tuesday morning of each week, taking a receipt therefor in a book provided for that purpose, exhibiting such receipt immediately after payment to the Chairman of the Board:

SEC. 503. No contract respecting the market involving an expenditure of more than one hundred dollars shall be entered into by the Commissioners of the Market without the sanction of the City Council first obtained.

SEC. 504. The Commissioners of the Market are hereby empowered to make, from time to time, any further rules, regulations, and arrangements respecting the sale of fish, flesh, poultry, vegetables, or any other article or thing brought to market and offered for sale, as to them shall appear fit and proper, and expedient for the good regulation of the market; and the said rules, regulations, and arrangements, when approved by Council, shall have the same force, operation and effect, as if they had been made and directed by Ordinance.

SEC. 505. It shall be the duty of every Clerk of the Market to enforce obedience to all the rules and regulations of such market; to inspect all cattle yards, and cattle brought for sale or offered for sale or sold in the City; to inspect daily all meats, fish and fowl exposed for sale in said market and prevent all poor carrion, blown or puffed up or un-sound meat, or measly pork, or other unwholesome or stale article of provision, from being sold or exposed for sale at such market and destroy the same;

July 9, 1901.
Commissioners
to account quar-
terly.

Balances to be
paid City Treas-
urer.

Jan. 18, 1876, §2.
Commissioners
not to make con-
tracts over \$100.

June 20, 1814, §2.
Empowered to
make rules for
sale of articles.

July 9, 1901.
Duties of the
Clerk.

to decide all differences and disputes between buyer and seller touching the weight or measure of things bought and sold at such market by weighing the same in the public scales or measuring the same with the public measures, as the case may require; to maintain order and regularity at such market concerning the occupation of stalls, shambles or stands and the arrangement of wagons, carts or other carriages thereto resorting; to cause such market to be cleanly swept every day after the market hours are over, and all dirt, filth or other like stuff to be removed from thence; to give immediate information to the Commissioners of such market, or to some of them, of all irregularities and offences there committed; to prosecute before the City Court all offenders against this chapter or any part or article thereof if such offenders refuse or neglect to pay him their respective fines on demand; to collect all moneys arising from inspection of meat throughout the City, the rent of stalls, shambles and stands, or from fines, forfeitures or other market revenues; to keep fair and regular accounts of all the moneys coming in his hands as aforesaid, and to pay over the same to the City Treasurer, and generally to pursue the instructions and to execute the orders of the said Commissioners, or any of them, in and about all matters relative to his office or to the market, and the Chief Clerk of the Market is hereby given the same powers and is charged with the same duties with reference to all green grocers and all other places where meat, fish and fowl are sold or exposed for sale, as he is hereby given and charged with respect to the market, and for this purpose shall make personally, or by the assistant clerks, daily inspections of said green groceries, cattle yards or places where cattle are kept and all such other places and shall make reports of such inspections to the Commissioners of the Market at their regular

meetings, which reports shall show the places inspected and the day and hour of such inspection.

SEC. 506. The Commissioners of the Market are hereby authorized and directed to collect for the use of the market from all green grocers and all other persons selling meat, fish and fowl at places other than the market, a tax for the inspection of such articles, which tax shall be payable in advance by all persons so engaged in such business, on the first day of January of each year, the amount of which inspection tax shall be regulated by the Board of Market Commissioners, *provided*, that the said tax shall in no case be less than the rent of a stall in the market and that the person so paying such tax shall have the privilege, if he desires, of occupying a stall in the market. *Provided, further*, that such inspection tax shall be in addition to any charge made by the City of Charleston for license to engage in such business.

SEC. 507. Every Clerk of the Market hereafter to be elected, shall give bond in the sum of two thousand dollars, with two or more sureties, to be approved of by the Commissioners of the Market, for the diligent and faithful performance of the duties of his office, both by himself and by his deputy or deputies.

Ib., § 31.
Clerks to give bond with sureties.

SEC. 508. Every Clerk of the Market shall be, and is hereby vested with all the powers and authorities of a policeman; and shall, before he enters on the duties of his office, take oath, or affirm, in manner and form following, that is to say:

Ib., § 32.
Clerks vested with the power of policemen.

"I, A B, do solemnly swear (or affirm) that I will well and truly serve in the office of Clerk of the Market, and faithfully execute all the duties belonging to the same, without fear, favor, prejudice or partiality, according to the best of my skill and abilities, and agreeably to law. So help me, God."

Oath of office.

SEC. 509. No Clerk of the Market shall hereaf-

Ib., § 33.Clerk when to employ deputy.

ter employ a deputy or deputies, without the previous approbation of the Commissioners of the Market, nor longer than during such approbation. And every deputy shall, before he enters upon the duties of his employment, take oath, or affirm, to the same effect as above required from the Clerks of the Market; and every such deputy shall thereupon have power and authority to assist the Clerk under whom he acts, in the execution of his office, or in the absence of such Clerk to officiate for him and in his stead; but every Clerk shall always be responsible for the conduct of his deputy or deputies.

Nov. 17, 1817, §2.Clerks not to keep books for persons selling in the market.

SEC. 510. Neither the Clerk or Assistant Clerk of the Market shall be permitted, within the market hours, to keep the books, or collect the moneys due any butcher or butchers, or other person or persons, on account of the sale of meat, poultry, grain, or vegetables, which have been vended in the market, under the pain of forfeiting his place for said offence.

July 12, 1825, §3.Office hours of Clerk.Feb. 7, 1842, §2.Assistant Clerks to attend market in the afternoon.

SEC. 511. The Clerk of the Market, and the Assistant Clerk shall be subject to the duties of their offices at all hours of day, from sunrise to sunset.

SEC. 512. It shall be the duty of the Assistant Clerk of the Market to attend the market daily, in the afternoon, within such hours as the Commissioners shall regulate; and to collect the dues from the fishermen on all fish that may be landed at such time; and they shall also attend to the cleaning of the market, and have charge of the hands who are employed by the Commissioners of the Market.

June 20, 1814, §1.Penalty for obstructing the Clerks.

SEC. 513. If any person shall molest or obstruct the Clerk or Assistant Clerk of the Market in the performance of his or their duty, the person so offending shall be subject to a fine of ten dollars; to be applied to the use of the market, or imprisonment not less than ten days.

SEC. 514. If any person or persons shall assault,

or strike, or in any manner or way oppose, molest, abuse, maltreat, or obstruct a butcher or butchers, or other persons regularly authorized to sell and dispose of beef or other meat, fish, vegetables, or other provisions in the market, so as to interrupt him in the pursuit of his business; or shall seize, take and carry by force, or injure or destroy the beef or other meat, fish, vegetables, or other provisions of the butcher or butchers, or other person or persons in the said market, or otherwise deprive them, or any of them, of the same, without authority from the Commissioners or the Clerk of the Market; shall disturb or interrupt the said butcher or butchers or other person or persons in the use and occupation of the stall or stalls, stand or stands, or other place or places rented, assigned, or allowed to them, or any of them, he, she, or they, so offending shall separately for each offense be subject to a fine not exceeding twenty dollars, or imprisonment not exceeding ten days.

SEC. 515. Should such person or persons, so as above offending, be a butcher or butchers, or otherwise authorized to sell or dispose of beef or other meat, fish, vegetables, or other provisions in the said market, he, she, or they, in addition to the penalties above declared, shall, at the discretion of the said Commissioners, or a majority of them, forfeit and be deprived of his, her, or their stall or stalls, stand, or stands, or other place or places, rented, assigned, or otherwise allowed to them in the said market, and be utterly expelled therefrom for a time not exceeding twelve months. And should such person or persons so expelled presume to sell or dispose of any articles whatever in the said market without the consent thereto of the Commissioners being first had, he, she or they shall be subject to such penalties as are directed by this chapter, and the rules and regulations of the market against per-

July 12, 1825, §6.

Unlawful to
assault or ob-
struct a butcher.

Penalty.

Ib., §7.

Penalty if by
a butcher.

Penalty if one
expelled shall at-
tempt to sell.

sons selling therein without the certificate of the Commissioners.

May 6, 1807, §34.
July 9, 1901.

Recovery and
disposition of
fines.

SEC. 516. All fines for offences and for any offence against this chapter, or any part or article thereof, shall be sued for and recovered, with costs, in any Court of competent jurisdiction, unless paid on demand, as aforesaid, and all such fines as are not expressly herein reserved for and declared to be payable to the use of the city: *Provided, however,* that one-half of every fine when recovered shall belong to such person as shall prosecute the offender to effect and prove the offence by other testimony than his own.

Oct. 19, 1835, §4.

Police to at-
tend in market.

SEC. 517. For the preservation of order and quiet in the public market, a detachment of the police shall be detailed to attend in said market, under the direction of the Commissioners or their Clerks, whenever they are open at night.

Aug. 2, 1859, §2.

No butcher-pen
to be erected
south of Line
Street.

Penalty for so
doing.

SEC. 518. No new butcher-pen, or slaughter-house shall be established or used within the limits of the City, below or south of Line Street, under a penalty of one hundred dollars, for each and every day that such butcher-pen or slaughter-house shall be used for the purpose of slaughtering cattle, hogs, sheep or calves.

June 23, 1857, §3.

Commissioners
of Market auth-
orized to establish a
market for sale
of cattle, &c.

SEC. 519. The Commissioners of the Market are hereby authorized to make the necessary provisions for the establishment of a public market place for the sale of such neat cattle, calves, hogs, sheep and goats as may be driven to it, and to make rules and regulations for the proper management of the same; and to establish at the said market place a suitable scale for the weighing in gross of all cattle, sheep, calves, hogs, and goats, that may be sold at or within said public market place.

Ib., §4.
Oct. 27, 1885.

Duty of Clerk
of Weights and
Measures as pub-
lic weigher.

SEC. 520. It shall be the duty of the Clerk of Weights and Measures to make an entry in the proper record book of all stock sold at the public

market place, entering the names of buyer and seller, the gross weight of cattle and other stock, the prices paid and to give a certificate of the same to both parties if desired. On each Saturday of the week the Clerk of Weights and Measures shall give to the Chief Clerk of the Market a report of the stock sold and prices paid during the week; which report shall be published in the daily papers. The Clerk of Weights and Measures, at any of the public scales, may weigh sheep, calves, goats and swine, when desired by buyer and seller, and report the same to the Chief Clerk of the Market on each Saturday morning of the week.

SEC. 521. That subject to the limitations hereinafter expressed in this section any person who hires or may hereafter hire a stall in the Public Market of the City of Charleston, or any person not hiring a stall in the market, upon paying to the City Treasurer the sum of one hundred dollars and producing the receipt of the Clerk of the Market showing that the rent of the stall occupied by him or her has been paid for one year in advance, or any person not occupying a stall in the market who shall produce the receipt of the Clerk of the Market showing that the inspection tax for meat and provisions has been paid for one year in advance, shall be authorized and empowered for and during the year in which such payment is made to sell at any point within the City of Charleston anything that is allowed to be sold in said market; *Provided, however,* that the number of said licenses shall not at any time exceed thirty-six, and that all of said licenses shall expire on the thirty-first day of December of the year in which it is issued, as do all other licenses. Applications for said licenses under this section shall be made to the Board of Market Commissioners on or before the third Wednesday in December in each year, on which day an election

Nov. 8, 1897.
May 23, 1882.

Licenses for
Green Grocers.

for green grocers for the ensuing year shall be held; notice of said meeting and election shall be given by advertisement not less than three times, in one or more of the daily papers published in the City of Charleston, the first notice to appear two weeks in advance of the day of said meeting, and the last notice on the day of the meeting, and elections to be held thereafter from time to time to fill vacancies in the said number of thirty-six as the Board of Market Commissioners may deem expedient. The names of the persons so elected and the locations of their places of business, certified to by the chairman and the Clerk of the Board of Market Commissioners, shall be presented to City Council at their next meeting after the said election for confirmation—and upon this confirmation and the payments as herein provided, the licenses shall be issued to the persons so elected; and further provided, that all such persons now holding licenses and all persons to whom licenses may hereafter be issued and their places of business shall be subject to the Ordinances of the City, relating to the government of such persons selling in the market, and the meats and goods sold by them, and to the rules and regulations of the Commissioners of the Market and subject to such other regulations as the City Council or the Board of Health may from time to time prescribe. And if any person or persons who shall have taken out a license under this section shall sell or offer for sale any meat or meats which are prohibited by the Ordinances of the City of Charleston or by the rules and regulations of the Commissioners of the Market, he, she, or they shall for each offence be subject to a fine not exceeding fifty dollars or be imprisoned for not more than ten days and the license issued shall be forfeited. And if any person or persons other than those who may be authorized under this section shall sell, offer or

expose for sale fresh meats of any character or description in the City of Charleston, at any place outside of the public market of the said City, he, she, or they shall for each offence be subject to a fine of one hundred dollars or be imprisoned not more than thirty days.

CHAPTER XII.

INSPECTIONS—WEIGHTS AND MEASURES, &c.

CLERK OF WEIGHTS AND MEASURES—COAL—FIRE
WOOD—CORN AND OATS—BREAD—GUAGERS OF
LIQUOR—TIMBER AND LUMBER.

Clerk of Weights and Measures.

SEC. 522. The Clerk of Weights and Measures elected by the Commissioners of the Market shall receive such salary as may be fixed by the said Commissioners; which salary shall be payable monthly.

Apl. 15, 1873, §1.
Oct. 2, 1885.

Commissioners
of Market to fix
salary.

SEC. 523. The said Clerk of Weights and Measures shall have his office opened every day (Sundays and holidays excepted,) from sunrise to sunset, for the purpose of weighing all articles offered for weight.

Apl. 15, 1873, §2.

When office to
be opened.

SEC. 524. For all such articles weighed, the Clerk of Weights and Measures shall furnish a certificate of weight, over his own signature, not printed. The fees prescribed by the Commissioners of the Market shall be collected by the said Clerk and paid over regularly each week to the Commissioners of the Market.

Ib., § 3.

To furnish cer-
tificate of weight.

SEC. 525. The Commissioners of the Market shall have power to make such rules and regulations for the government of said Clerk of Weights and

Ib., § 4.
Commissioners
of Market to
make rules and
regulations.

Measures as are not inconsistent with the Ordinances of the City, and shall have the power of discontinuing or leasing out the public scales.

Weights and Measures.

Nov. 20, 1839, §1.

Standard measures of extension.

Ib., § 2.

Weights to be adjusted by the troy weight.

Contents of a pound, ounce, &c.

Troy weights used by banking institutions the proper standard for adjusting avoirdupois weights.

Ib., § 3.

The cubic inch the standard for the adjustment of all measures of capacity.

SEC. 526. The inch, the foot, and the yard measures, which have been heretofore always used in this State, be, and they are hereby, declared standard measures of extension, and are to be used as such for all mechanical, commercial, or mathematical purposes, for which they shall or may be required.

SEC. 527. The troy weight grain be, and the same is hereby, a unit standard for weight, from and by which the standard avoirdupois pound and ounce weights are to be adjusted: the pound avoirdupois weight used for commercial purposes in this City, shall contain (7,000) seven thousand grains troy, which are equal to fourteen ounces eleven penny weights and sixteen grains troy; the ounce avoirdupois weight, used for the same purposes, shall contain (437 $\frac{1}{2}$) four hundred and thirty-seven and a half grains troy, which are equal to eighteen penny weights and five and a half grains troy. And the troy weights, used by the banking institutions now, or that may hereafter be established in this City, be, and are hereby declared the proper standard for adjusting avoirdupois weights, by comparison and in the proportion and manner above mentioned.

SEC. 528. The cubic inch, which has been always hitherto used in this State, be, and the same is hereby, declared a unit standard for the adjustment of all measures of capacity. And whereas, by an Act of the Legislature, passed on the twelfth day of April, seventeen hundred and sixty-eight, the bushel, half bushel, peck, and half peck, according to the London standard, were established as lawful measures: It is, therefore, hereby declared, that agreeably

to the said standard for dry measures, a bushel contains (2,150 4-10) two thousand one hundred and fifty and four-tenths cubic inches; a half bushel contains (1,075 2-10) one thousand and seventy-five and two-tenths cubic inches; a peck contains (537 6-10) five hundred and thirty-seven and six-tenths cubic inches; and a half peck contains (268 8-10) two hundred and sixty-eight and eight-tenths cubic inches; also, a quart contains (67 2-10) sixty-seven and two-tenths cubic inches; and a pint contains (33 6-10) thirty-three and six-tenths cubic inches. And it is further declared that the wine measure gallon used for commercial purposes in this City, ought to contain (231) two hundred and thirty-one cubic inches; the quart (57 3/4) fifty-seven and three-fourths cubic inches; the pint (28 9-10) twenty-eight and nine-tenths cubic inches; the half pint (14 4-10) fourteen and four-tenths cubic inches; and the gill (7 2-10) seven and two-tenths cubic inches.

SEC. 529. All weights used in this City for commercial purposes, except for weighing gold or silver, shall be regulated by the avoirdupois standard. All grain and other commodities, and articles sold in this City by dry measure, shall be sold agreeably to the standard measures for dry measures hereinbefore expressed and described; and wines, spirituous liquors and all liquids sold in this City, shall be measured agreeably to the standard of wine measures hereinbefore mentioned.

SEC. 530. The quarter peck shall be, and is hereby, authorized and established as a measure to be used in the sale of grain, and all other commodities and articles sold by dry measure, and shall be of half the contents or capacity of the half peck hereinbefore mentioned and declared.

SEC. 531. The standard measures of extension, weight and capacity, hereinbefore mentioned and

Dry measure—
contents of a
bushel, peck,
quart, pint, &c.

Wine measure
—contents of a
gallon, quart, etc.

Ib., § 4.
Weights, how
regulated, &c.
Grain to be
sold by dry
measure.

All liquids to be
sold by wine
measure.

Ib., § 5.
Quarter peck to
be used as a meas-
ure.

Ib., § 6.
Of what materi-
als weights, &c.,
shall be made.

described, shall always be made of brass or copper. All weights used by individuals for commercial purposes in this City, shall be made of iron, brass, or composition metal; and all yard measures used in this City for commercial purposes, shall be stamped at both ends, in the manner hereinafter described.

Ib., § 7.

Commissioners
of the Market to
have under their
charge all meas-
ures, &c.

SEC. 532. The Commissioners of the Market shall have under their government, examination and control, all measures of extension, all avoirdupois weights, scales, beams and balances, and patent scales, used for commercial purposes within the City; and all measures of capacity used in the City for measuring grain, and other articles sold by dry measure, and for measuring wine, spirituous liquors, and all liquids sold by wine measure; which shall be regulated and adjusted under their direction agreeably to the standards hereinbefore mentioned. The Commissioners of the Market shall establish an office for the inspection, adjustment and regulation of weights and measures, scales and balances, at the Market, or such other convenient place as shall be appointed by them, and approved by the Council. The name of the said office, that is to say, "Inspection of Weights and Measures," shall be fixed over the door thereof, and the same shall be kept open as a public office, at such time and at such hours, as the said Commissioners, by their rules and regulations, shall appoint. The standard measures of extension, dry measures, wine, or liquid measures, also the brass weights of the avoirdupois standard, belonging to the City, shall be deposited in the said office, which shall be furnished with the balances, scales, stamps, and every other apparatus required for the due adjustment and regulation of weights, measures, scales and balances. The Commissioners shall, from time to time, as may be found expedient, cause the said standard measures and weights to be examined, adjusted and regulated

Commissioners
to establish an of-
fice for the in-
spection of
weights, &c.

agreeably to the standard hereinbefore declared and expressed. The Clerk of Weights and Measures elected by the Commissioners of the Market shall be the officer to enforce and execute, with or under the direction of the Commissioners of the Market, the provisions of this chapter, and all resolutions of Council relative to the weights and measures. The Commissioners of the Market shall, with the approbation of Council, fix the fees that shall be required by the Clerk above mentioned, for regulating, stamping and adjusting weights, measures, scales, beams and balances. All the fees of this office shall belong to the City, and shall be paid over weekly to the Commissioners of the Market.

Commissioners
to examine
weights and measures.

Fees.

SEC. 533. All yard-sticks, or other measures of extension, used for commercial purposes in this City, all liquid measures, dry measures, and all scales, beams, balances and weights, used for the same purposes (including such scales, beams, balances and weights, as are used at the public scale-houses on the wharves,) shall be examined, inspected and regulated, at least once in every three months; and, also, whenever it may be deemed proper by the Commissioners of the Market, or by said Clerk of Weights and Measures, agreeably to their rules and regulations, and, if required, accompanied by one or more of the City police, as may be found necessary; and all scales, beams, balances, and weights, used at the public scale-houses on the wharves of the City, shall be inspected, examined, and regulated by the said Commissioners, or by their Clerk, as above expressed, at least once in every three months, and also whenever it may be required by resolution of Council.

Ib., § 8.

Weights and
measures to be in-
spected and ex-
amined every
three months.

SEC. 534. No measure shall be used in the City for commercial purposes, and for measuring any liquids sold by wine measure, that is not of the standard capacity hereinbefore declared. Every

Ib., § 9.

No measure to
be used for meas-
uring wine or any
liquids not of the
standard capacity
and stamped.

Penalty.

Ib., § 10.

No dry measure to be used, except of the standard capacity, and to be stamped.

such measure shall be stamped at the upper edge and at the bottom, with the stamp used at the said office of Inspection of Weights and Measures. Every person who shall use any such measure for commercial purposes, either not of the standard capacity or not stamped as aforesaid, or who being a retailer or vendor of any liquor sold by wine measure, either not of the standard capacity or not stamped, shall, for each and every such offence, be subject to a penalty not exceeding fifty dollars, or imprisonment not exceeding thirty days.

SEC. 535. No dry measure shall be used for commercial purposes, and for measuring grain, sale and other commodities and articles sold in the City by dry measure, that is not of the legal standard capacity; every such measure shall be stamped at the upper edge and at the bottom with the stamp used at the said office of Inspection of Weights and Measures. Every person who shall use any such dry measure for commercial purposes, either not of the standard capacity or not stamped as aforesaid, or who being a retailer or vendor of any article or commodity usually offered for sale by dry measure, shall have in his or her possession any such measure either not of the standard capacity or not stamped as aforesaid, shall, for each and every such measure found deficient or not stamped, and for every such offence be liable to a penalty not exceeding fifty dollars or imprisonment not exceeding thirty days.

Ib., § 11.

No yard-stick, &c., to be used not of the standard length and stamped.

SEC. 536. No yard-stick, or other measure of extension, shall be used in this City, for commercial purposes, that is not of standard length, and stamped at both ends with the stamp used at the office of the said Inspection of Weights and Measures; and every person who shall use any such measure either not of the standard length, or not stamped as aforesaid, or who, being a retailer or

vendor of goods, wares and merchandise usually sold by measurement, shall have in his or her possession any yard-stick or other measure of extension either not of the standard length or not stamped as aforesaid shall for each and every such measure found deficient or not stamped, and for every such offence, be subject to a penalty not exceeding fifty dollars. And every shop or store-keeper, or other person selling goods, wares or merchandise in the City, by yard or other measure of extension, shall keep in his or her possession, at his or her shop, or place of business, at least one yard-stick of the standard length, and stamped on both ends; and each and every person alluded to herein neglecting or refusing to keep a yard-stick in his or her possession, as hereby required, shall for each and every day during such neglect or refusal be subject to a penalty of fifty dollars. No mode or measurement, other than by yard-stick, or other detached measure of extension of the standard length, and stamped as aforesaid, shall be used for commercial purposes by any shop or store-keeper or other person or persons selling goods, wares and merchandise, by measurement, under the penalty of fifty dollars or imprisonment in jail not exceeding thirty days.

SEC. 537. No weight or weights shall be used in the City for commercial purposes, that are not agreeable to the avoirdupois standard hereinbefore declared, and made of iron or brass, or composition metal, and stamped on the metal used for filling up and supplying any deficiency which may be found on adjusting the same, or on such other parts of the weight as may be convenient, with the stamp used at the office of the Inspection of Weights and Measures. *Provided*, that when any weight, or patent scales or balances, can not be stamped, a certificate of its accuracy shall be given by the said

Every person
selling goods by
yard, &c., to keep
at least one yard-
stick of the stan-
dard length.

Penalty.

Ib., § 12.

No weights to
be used not agree-
able to the avoirdupois
standard and stamped.

Clerk of Weights and Measures, which certificate shall be produced at all inspections of weights and measures. And every person who shall use, for commercial purposes, any weight or weights, not agreeable to the said standard, or not stamped or certified as aforesaid, shall, for each and every weight found deficient or not stamped as aforesaid, forfeit a sum not exceeding fifty dollars. And every person being a retailer or vendor of goods, wares and merchandise usually offered for sale by weight, who shall have in his or her possession, at his or her store, shop, or place of business, any weight or weights not agreeable to the said avoirdupois standard, and not stamped or certified as aforesaid, shall for each and every such weight, and for every such offence, be subject to a penalty not exceeding fifty dollars or imprisonment not exceeding thirty days.

Penalty for using any other than the standard weights.

Ib., § 13.

Weights and measures deficient, &c., may be seized.

SEC. 538. It shall be the duty of the Commissioners of the Market, or the said Clerk, and of the City officers that may accompany them, at all inspections of weights and measures, or either of them, to seize, take away, and declare forfeited every dry measure and liquid measure, or any weight or weights, or any patent scales or balances, found by them to be contrary to the said standard, or not stamped, or not conformable in every respect, to the provisions of this chapter; and every measure, though stamped as aforesaid, that shall be found dented or flattened, or so defaced as to alter its capacity, and not capable of giving true measure, shall be deemed and considered as deficient, and therefore forfeited; and the person or persons who used the same shall be liable to the penalty and forfeiture provided in this chapter; and all yard or other measures of extension, found as aforesaid, at any inspection of weights and measures, to be deficient, shall be destroyed. And every such measure of extension, though stamped as aforesaid, that shall be

rounded or cut after stamping, at either end, or bent, or twisted, so as not to give true measure, shall be considered as deficient; and the person who used the same shall be liable to the penalty and forfeiture before mentioned in this chapter.

SEC. 539. Whenever any weight or weights shall be brought to the said office of inspection, to be examined and adjusted, the said Clerk, agreeably to the rules and regulations of their Board, shall determine as to the practicability of the adjustment required; and should the weight or weights be found so defective as to be incapable of adjustment in the manner prescribed by the said rules and regulations, the same shall be deemed and considered as forfeited, and shall be retained at the said office; but the person or persons who presented the same shall be subject to no penalty; and should the weight or weights, presented as aforesaid, be found not agreeable to the standard, but capable of adjustment, the said Clerk shall cause the same to be adjusted, and the stamp of the office shall be put on the metal used for filling up and supplying the deficiency; the said weight or weights shall then be delivered to the person who shall have presented them for examination, on payment being made of the fees required at the office, and of all charges and expenses incurred; and the person aforesaid shall be subject to no penalty. Whenever any measure of extension or capacity shall be presented at the office of Inspection of Weights and Measures, to be examined and stamped, the said Clerk shall compare the same with the other standard, and should the measure be correct, the same shall be stamped. But should the measure be found below the standard the same shall be considered as a false measure and therefore forfeited, and shall be retained at the said office.

SEC. 540. Before any person shall undertake to weigh, and to transact the business of a weigher,

Ib., § 14.

Weights brought to the office for adjustment, &c., if not capable, shall be forfeited.

Weights not agreeable to the standard, but capable of adjustment, to be adjusted and stamped.

Measures presented for examination to be stamped if correct.

Measures found below the standard to be forfeited.

Ib., § 15.

Weigher on public wharf or public scales to take oath.

upon any wharf, or at any other place within the City where there are public scales, he shall take the following oath or affirmation, before one of the Commissioners of the Market, to wit:

Form of oath.

"I, A B, do solemnly swear (or affirm) that while the public scales, at the wharf or other place, at present known by the name of —, shall be under my charge, I will, from time to time, and at all times, adjust and regulate by the City standard, according to law, the said scales and all weights in use upon the wharf, or at the place aforesaid; and that I will always do impartial justice between buyer and seller, in the weighing of produce, and any other commodity, upon the said wharf or place, while the same shall be under my care and management. So help me, God."

The Commissioner or Commissioners before whom such oath or affirmation shall be taken, shall thereupon give such person a certificate thereof. Every person who shall weigh at any wharf or place where there are public scales, without having previously taken the oath or affirmation required as aforesaid, shall forfeit and pay to the use of the City the sum of fifty dollars: *Provided*, That nothing herein contained shall extend, or be construed to extend to oblige any person who has already been sworn to the effect and for the purpose aforesaid, to take again such oath or affirmation.

**Penalty for
weighing at any
wharf, &c., with-
out having taken
the oath.**

**False scales
and beams liable
to be seized and
forfeited.**

SEC. 541. Every false and fraudulent scale, beam, balance or patent scales used within the City, for commercial purposes, or any scale, beam, balance or patent scales, rendered false and fraudulent by the addition of any substance whatever, which shall be used within the City for commercial purposes, or be found in possession of any retailer or vendor of any article or commodity at his or her shop, store, or place of business, shall be forfeited and seized by the Commissioners of the Market, or by the said Clerk, or by the city officers who may

accompany them in the inspection of weights and measures; and every person who shall use for commercial purposes, such false or fraudulent scale, beam, balance, or patent scales, or any scale, beam, balance, or patent scales, rendered false or fraudulent by the addition of any substance whatever, shall for each and every such offence, be subject to a penalty of not less than fifty dollars, nor more than one hundred dollars or imprisonment not exceeding thirty days. Every person being a retailer or vendor of any article or commodity in whose possession, at his or her store, shop, or place of business, any such false or fraudulent scale, beam, balance or patent scales, shall be found, or any scale, beam, balance, or patent scales rendered false or fraudulent by the addition of any substance thereto, shall, for each and every such offence, be subject to a penalty not less than fifty dollars, nor more than one hundred dollars or imprisonment not exceeding thirty days. *Provided*, that no person shall be liable to a penalty who shall request the examination of a set of scales, beams, balances, or patent scales, by the Clerk of Weights and Measures, and which shall prove incorrect and false, but the same shall be forfeited and retained at the office.

SEC. 542. Hay and other kinds of fodder shall not be sold in the City, unless the same be weighed at some public scale within the City; and if any person having hay or other fodder for sale, shall neglect to have the same weighed as aforesaid, he shall be subject to a penalty not exceeding one hundred dollars, or imprisonment not exceeding thirty days. And not less than one pound, or more than five pounds each time, (at the discretion of the sworn weigher), shall be deducted for each and every hoop, and each and every stave or plank, in every bale or package of hay or fodder.

SEC. 543. The officers and members of the

Penalty for having false scales.

Ib., § 17.
Hay and fodder not to be sold unless weighed at Public Scales.

Deduction for the weight of hoops in bales.

Police to assist in enforcing the ordinance.

police force of the City are hereby declared the proper officers to aid and assist the Commissioners of the Market and said Clerk in the execution of their duty in the enforcement of this chapter. The said Commissioners are hereby empowered to call the said officers to their assistance, whenever in the opinion of the Board, there is a necessity for so doing; and in case any of the city police shall neglect to obey the order of the said Board, when extended to him by the said Clerk, he shall be considered as having neglected his duty, and his conduct shall be reported to Council, and he shall be liable to a fine not exceeding fifty dollars, to be imposed by Council and deducted from his salary. If any person shall abuse, oppose, obstruct, or otherwise molest the said Commissioners of the Market, their said Clerk, the city police, or either or any of them, in or on account of the execution of their duty, in the enforcement of this chapter, each and every such person shall, for every offence be subject to a fine not exceeding one hundred dollars, or imprisonment in jail not exceeding thirty days.

Penalty for opposing Commissioners.

Ib., § 20.

Fines and penalties, how to be recovered and applied.

SEC. 544. All fines, forfeitures, and penalties for offences, against this chapter, or any part or article thereof, shall, on information being given by the said Commissioners, or either of them, or by their said Clerk, or by the City officers acting with them, or by their direction, to the Corporation Counsel, be sued in the name of the City Council of Charleston, against all persons offending therein, to be recovered in any court of competent jurisdiction. The said fines, forfeitures and penalties, and every part thereof, when recovered, shall be received by order of the said Commissioners, or their Clerk, agreeably to their rules and regulations; but the same are hereby declared to be, for the use of the City Council, to be accounted for by the said Commissioners of the Market in their periodical reports to the City Treasurer.

SEC. 545. Every person being the owner or keeper of a retail shop, or store, where meat, grain, fruit, or other articles are exposed or offered for sale, whether he or she have a license from the City Council or not, shall, at all times, keep and have in such shop or store a complete set of weights and measures of the standard hereinbefore declared, or a stamped or certified patent scale. If weights, the set to consist of a four-pound, two-pound, one-pound, half-pound, quarter-pound, two ounces, one-ounce, and half-ounce weight of the avoirdupois standard. The set of liquor measures to consist of a gallon, half-gallon, quart, pint, half pint and gill. The set of dry measures to consist of a half-bushel, peck, half-peck, quarter-peck, quart and pint. Every such person being the owner or keeper of such a retail shop or store, who shall, or may refuse or neglect to present and deliver any of the said scales, weights or measures, to the Commissioners of the Market, or the said Clerk, or the City police, who may accompany them thereto, demanded by either of them on their visits of inspection of weights and measures, as hereinbefore directed, shall for each and every such offence, be subject to a fine not exceeding one hundred dollars or imprisonment not exceeding thirty days.

Every owner or keeper of a retail grocery shop to keep set of weights and measures.

Penalty for refusing inspection of weights.

SEC. 546. That all liquid measures, dry measures, and measures of extension, and all weights which weigh the actual weight they purport to measure, shall be carried to the office of the Clerk of Weights and Measures to be inspected and stamped. That all scales, beams, balances, and patent scales, shall be examined and stamped by the Clerk of Weights and Measures upon the premises where the same are to be used, and shall not be used until the same are inspected and stamped, or certified to in case they cannot be stamped, which inspection shall be by weighing on such scales, beams, balances, or

Measures and weights to be carried to Clerk's office.

Balances and scales to be stamped on premises where used.

patent scales, the standard weights as hereinbefore ordained.

Coal.

Jan. 29, 1878.
All coals to be
sold by weight.

To be weighed
by sworn weigh-
ers.

Carter to have
certificate.

Penalty.

Penalty for cart
having less coal
than stated in cer-
tificate.

Purchaser to
have the right to
have coal weighed
on public scale.

SEC. 547. That all coals, excepting charcoal, sold for consumption within the limits of this City, shall be by weight. That 2,240 pounds shall be the standard weight of a ton. That all coals sold from yards or other places, shall be weighed by sworn weighers, commissioned and sworn in the usual manner.

SEC. 548. That each carter shall have a certificate with every load of coal, stating the name of the purchaser, name of seller, license of cart, name of weigher, gross, tare and net weight of coal. Any carter found without such certificate will subject the seller, unless some good cause be shown for such neglect, to a fine of five (5) dollars for the first offence, or imprisonment not exceeding five days in jail, and ten (10) dollars for each subsequent offence.

SEC. 549. That any cart found having less coal than the quantity stated in the certificate, and sufficient proof having been given of the intention on the part of the weigher to defraud the purchaser, the seller of the coal shall be subject to a fine of five (5) dollars for the first offence, or imprisonment not exceeding five days in jail and ten (10) dollars for each subsequent offence, and the weigher shall have his license revoked.

SEC. 550. That the purchaser of coal shall have the right to demand that his coal be weighed on a public balance, and that failure on the part of the seller to do so when demanded by the purchaser, shall subject him to a fine of ten (10) dollars for the first offence, or imprisonment not exceeding ten days, and twenty (20) dollars for each subsequent offence.

SEC. 551. That any person or persons found selling coal, charcoal excepted, other than by weight, shall be subject to a fine of twenty (20) dollars for the first offence or imprisonment not exceeding ten days, and thirty (30) dollars for each subsequent offence.

Penalty for selling coal other than by weight.

SEC. 552. That all scales used at the different yards and other places for the weighing of coal, shall be tested by the Clerk of Weights and Measures of the City Market at least once in every three months, the customary fees to be charged for the same.

Scales to be tested.

Fire-Wood.

SEC. 553. Each stick of firewood which shall hereafter be landed for sale in Charleston, shall measure at least four feet in length, including half the scarf; and all such fire-wood shall be closely and fairly corded up where it is landed (and before being offered for sale,) each cord to be eight feet in length, four feet in breadth, and four feet in height, and each half or quarter cord in proportion; the same to be measured and ascertained by an inspector and measurer of timber and lumber, each of whom shall also be a measurer of fire-wood. And if any wood other than refuse or billet wood, shall be offered or sold contrary to the true intent and meaning of this sub-division, the said wood or price thereof shall be forfeited and applied to the use of the informer, and recovered in any court of competent jurisdiction.

Aug. 22, 1810, §7.
Fire-wood to be measured and corded.

SEC. 554. No crooked wood shall be stowed in or corded up with other fire-wood; but all such crooked or other wood, deficient in length as above described, may be corded and sold separately, as refuse or billet wood; the judgment of any licensed measurer to be conclusive as to the quality of all wood offered for sale; and if any refuse or billet

Ib., § 8.
Crooked wood not to be corded.

wood be intermixed with merchantable fire-wood composing said cord or cords of wood, the whole of the wood so offered for sale, shall be forfeited to the use of the informer.

Penalty for refusing to perform duties.

SEC. 555. If any measurer of fire-wood shall refuse or neglect to perform any of the duties attached to his office, when called on to do so between sunrising and sunsetting, he shall, on conviction be subject to a fine not exceeding twenty dollars, or imprisonment not exceeding ten days. And if either of the officers aforesaid should be guilty of collusion or malpractice to deceive in the quantity, he shall, on conviction, forfeit his office for the unexpired term thereof.

No factor, et al., to be measurer.

SEC. 556. No factor or seller of fire-wood, nor any person holding an appointment or office of profit under this State or the United States, shall be eligible to hold at the same time the position of a measurer of fire-wood.

Fees.

SEC. 557. The fee for the measurement of fire-wood shall be six and a quarter cents for each cord measured.

Corn and Oats.

May 7, 1861.

Corn and oats to be sold by weight.

SEC. 558. All corn and oats sold within the limits of the City shall be sold, whether at wholesale or retail, by weight, at the rate of fifty-six pounds per bushel for corn, and at the rate of thirty-two pounds per bushel for oats, respectively.

Penalty.

SEC. 559. Any person who shall sell corn or oats otherwise than by weight, as herein provided, shall be subject to a fine of not less than one hundred dollars, nor more than five hundred dollars, or imprisonment not exceeding thirty days for each and every offence, to be recovered in any court of competent jurisdiction; one-half to the use of the informer and the other half to the use of the City.

Bread.

SEC. 560. Wheaten, household, and all other bread, shall be sold by bakers and dealers in bread, by weight (avoirdupois,) and the scales used for weighing bread shall be under the inspection of the Commissioners of the Market, and subject to the same rules as all other scales used for weighing.

Aug. 3, 1858, § 2.
Bread to be sold
by weight.

SEC. 561. Every baker and dealer in bread, who violates the provisions herein contained, shall forfeit and pay a fine of not less than ten dollars, nor more than twenty dollars, for each and every offence, to be recovered in any court of competent jurisdiction; one-half to the use of the informer, and the remainder to the use of the City.

Ib., § 3.
Penalty.

Timber and Lumber.

SEC. 562. There shall be elected annually on the 2d Tuesday in January, three or more Inspectors and Surveyors of Timber, who, before entering upon the duties of their office, shall severally execute a bond to the said City Council, in the penalty of two thousand dollars, with good sureties, for the faithful performance of the duties of his or their office; and shall also take and subscribe to the following oath, to wit:

Jan. 10, 1899.
Election of In-
spectors.

"I, A B, solemnly swear (or affirm, as the case may be,) that I will faithfully perform all the duties of Inspector and Surveyor of Timber in the City of Charleston, as prescribed by the Act of the General Assembly providing for the same. So help me, God."

And said bond shall be recorded in the office of the Secretary of State, and shall be liable to suit at the instance of the State of South Carolina, or

Bond to be re-
corded.

of individuals suffering loss by the violation of the provisions of this sub-division. And no Inspector shall be interested, either directly or indirectly, in the sale or purchase of any timber or lumber, nor shall he act as clerk or agent for anyone so interested on penalty of forfeiting his commission as Inspector.

Inspector not to be interested in sales.

Timber to be sold by board measure.

Penalty.

Duty of Inspectors to measure and give certificates.

Seller and buyer to select measurer.

SEC. 563. No timber shall be sold or purchased in the City of Charleston by any mode of measurement except that denominated board or superficial measurement (unless by special contract between the parties) which shall alone be done by the Inspectors or Surveyors of Timber in the City of Charleston, and any person or persons who shall buy or sell ranging timber in the markets of Charleston by the rule known as "side and edge measurement," that is to say, by adding the side to the edge, multiplying by the length, and dividing by twelve (side-edge \times length—twelve) shall be fined for every such act of buying or selling not less than one hundred dollars and not more than three hundred dollars or imprisonment not exceeding thirty days.

SEC. 564. It shall be the duty of the said Surveyors and Inspectors to measure all timber in the manner aforesaid, brought for sale to the City of Charleston, at the request of any person owning or buying the same, and shall give a certificate to such person, specifying the quality and kind and quantity of such timber, and the number of pieces in each lot: which certificate shall be evidence of the matters stated therein, as between the owner and purchaser thereof. But nothing herein contained shall prevent any person or persons from buying or selling timber in bulk without measurement.

SEC. 565. All lumber and timber brought to market for sale at the port of Charleston, shall be measured and inspected by one of the licensed Measurers, selected by the seller and buyer jointly; and the Measurer so selected shall be entitled individually

to the fee earned by him; and the manner of inspection and classification of both timber and lumber shall be such as may be agreed upon between the buyer and seller. Should the buyer and seller fail to agree in the selection of a Measurer, then the measurement and inspection, and classification, may be made by any official Measurer.

Manner of inspection.

SEC. 566. The fees to be received by the measurer shall not exceed the following rates, viz.: Ten (10) cents per thousand feet for all square, hewn or round timber; ten (10) cents per thousand feet for all lumber measured by bulk measurement in rafts; and twenty-five (25) cents per thousand feet for all lumber measured and inspected by the piece—the expense of measuring fees to be equally divided between the buyer and seller. Any one violating any of the provisions aforesaid, shall be subject to a fine of not more than one hundred dollars, nor less than fifty dollars for each offence, or imprisonment not exceeding ten days.

Fees.

Penalty.

CHAPTER XIII.

BUILDINGS—CHIMNEYS—CHIMNEY CONTRACTORS.

SEC. 567. It shall not be lawful to build, erect, or construct any wooden or frame building of any description within such portions of the City of Charleston as are hereinafter described, to wit: "All lots abutting on the east and west sides of Meeting and King Streets from Queen Street to Calhoun Street, and all rear lots the entrances to which are on said parts of Meeting and King Streets; all lots abutting on the east and west sides of East Bay Street from Stoll's Alley to Society Street, and all rear lots the entrances to which are on said parts of East Bay Street, and all that territory lying to the

May 8, 1838, §1.
Sep. 1, 1870, §1.
Feb. 8, 1887.

Wooden buildings not to be erected in certain portions of the City.

east of East Bay Street from Stoll's Alley to Society Street, excepting such made marsh, mud or water lots as may be located north of Market Street and east of East Bay Street; all lots on the north and south sides of Broad Street from East Bay Street to King Street, and all rear lots the entrances to which are on said parts of Broad Street: *Provided*, That no tenement building shall be erected on any lot in the City of Charleston without the consent of the City Council of Charleston: *Provided, further*, That every wooden building to be erected on any of the lots or territory south of Calhoun Street, exempted from the operation of the Ordinances of the City of Charleston and Acts of the General Assembly preventing the erection of wooden buildings, shall not be less than two stories in height; and that all the inner walls of said building, including all partitions and ceilings, shall be lathed and plastered: *And provided, further*, That said building shall be covered with slate, tiles, or some other materials not combustible.

March 24, 1885.

All buildings
to be numbered.

Numbers to be
assigned by City
Assessor.

Odd numbers
on west and
south, even num-
bers on north and
east.

Metallic plates
to be used.

SEC. 568. All buildings now erected or to be erected on the streets, alleys, lanes and courts of this City, shall be numbered by the City Assessor, in compliance with the requirements of this sub-division.

SEC. 569. On all streets, alleys, lanes and courts, numbers shall be assigned to each lot by the City Assessor, and such numbers shall be assigned whether the lot fronting on said streets, alleys, lanes or courts, are built upon or not. The odd numbers shall be placed upon the buildings erected on the west and south sides, and the even numbers shall be placed upon the buildings erected on the north and east sides of said streets, alleys, lanes and courts.

SEC. 570. All numbers hereafter put upon any buildings except stores, manufactories, and other

business houses, shall be painted or stamped on metallic plates of a size not less than four (4) inches by two and one-half ($2\frac{1}{2}$) inches; *Provided*, That the owner or occupant of any building may place thereon a more ornamental or more costly number, but said number shall not be of less conspicuous character than is above provided for.

Size.

Owners may place ornamental plates.

SEC. 571. Half numbers may be placed upon the entrance posts or over the stairways in any business building or tenement house, the occupancy of which is separate and distinct from its ground floor.

Half numbers, where to be placed.

SEC. 572. It shall be the further duty of the City Assessor when an error or irregularity exists in the numbering of houses, or when they are without numbers in any streets, alleys, lanes or courts in the City of Charleston, to have the same corrected or numbered without unnecessary delay, as soon as the facts are brought to his notice.

Errors or irregularities to be corrected.

SEC. 573. That the City Assessor, on being informed of the exact, present, or intended location, shall designate to the owner or occupant of any building now erected, in process of construction, or hereafter to be erected, the correct numbering of such building.

Assessor to give owner correct number.

SEC. 574. Any person who shall take down, alter, deface, destroy or conceal any number assigned to, or placed upon any building, or who shall place or substitute, or permit to be placed or substituted, an erroneous or improper number to be retained upon any building, shall be fined therefor, upon conviction, in any sum not exceeding ten dollars, or imprisonment not exceeding thirty days.

Penalty for destroying, or removing numbers.

SEC. 575. Any building framed of wood, or having more wood on the outside of the building than that required for door and window frames, doors, shutters, sashes, porticos and piazzas, shall be deemed a wooden building, and subject to the penalties hereinafter prescribed; and the roof of

May 8, 1838, §2.
May 10, 1898.

Wooden buildings defined.

every building and of every piazza and portico, shall be covered with some material not combustible; otherwise they shall be deemed each to be a wooden building, and subject to the penalties hereinafter prescribed for the erection of wooden buildings.

Sept. 6, 1870.
May 10, 1898.

Penalty for
erecting wooden
buildings.

May 8, 1838, § 4.
May 10, 1898.

Penalty upon
persons employed
in the construc-
tion.

Buildings a 1-
ready erected to
be roofed as new
buildings.

Aug. 19, 1844, § 2.

Size of parti-
tion walls of tene-
ment buildings.

SEC. 576. Any person or persons who shall erect any buildings contrary to the provisions of this subdivision, on any of the lots or territory described in Section 567, upon proof to conviction, shall be fined in the sum of not less than three hundred, nor more than six hundred dollars; the said penalty to be recovered in any court of competent jurisdiction.

SEC. 577. That every person who shall be employed in the building or construction of any building contrary to the provisions of this subdivision, shall, on conviction thereof before any court of competent jurisdiction, forfeit and pay to the City the sum of five dollars for every day he may be so employed.

SEC. 578. That whenever hereafter any building already erected, shall be roofed or covered, it shall be roofed and covered as new buildings are hereby directed to be done; and the owner of such building and all persons concerned in roofing and covering the same contrary to the provisions of this subdivision, shall be subject to the same penalties as though the said building had been newly erected or constructed.

SEC. 579. The partition wall and walls between all separate tenement buildings, shall be constructed of brick or stone, and shall be not less than twelve inches thick, from the foundation throughout the building; and every such wall and walls shall project fourteen inches above the roof of each separate tenement, with a stone cap; every building shall be deemed and considered a tenement building within the meaning of this sub-division, which shall contain more than two rooms in front on each floor,

or which shall be built with a passage or arched way between distinct parts of the same building, or which building shall be intended for the separate accommodation of different families or occupants.

What
tenement
deemed
build-
ings.

SEC. 580. It shall not be lawful to build, erect, or construct within the City of Charleston, the outer walls of any brick or stone building of less thickness or with other materials than are hereinafter expressed; that is to say, the outer wall and walls of any building, of the height of two stories, shall be of brick or stone, and not less than fourteen inches thick in the first story, and not less than nine inches thick in the second story; the outer wall and walls of any building of the height of three stories, shall be of brick or stone, and not less than fourteen inches thick in the first story, not less than fourteen inches thick in the second story, and nine inches thick in the third story; the outer wall and walls of any building of the height of four or more stories, shall be of brick or stone, and not less than fourteen inches thick in the first story, fourteen inches thick in the second and third stories, and not less than nine inches thick in the fourth story.

Jan. 11, 1845, § 2.

Regulations for
the construction
of the walls of
brick or stone
buildings.

SEC. 581. If any person or persons, body or bodies corporate or politic, shall build or construct, or cause to be built or constructed, within the limits of the City, the outer wall or walls of any brick or stone building, or any part thereof, less in thickness or different materials than are expressed and specified in this sub-division, such person or persons, bodies corporate or politic, shall, on conviction, forfeit and pay to the use of the City a sum not exceeding one thousand dollars, nor less than five hundred dollars, and shall also pay a further sum of twenty dollars for every week during which any such outer wall or walls shall remain erected, contrary to the provisions of this sub-division; and in case the said wall or walls shall not be pulled down

Ib., § 3.

Penalties for
erecting buildings
contrary to the
provisions of this
sub-division.

and removed, or otherwise made conformable to the provisions of this sub-division, within three months after such conviction, the person or persons, body or bodies corporate or politic, so offending, shall, in addition to the said penalty of twenty dollars per week, be subject to a further penalty of one hundred dollars for his or their neglect, at the expiration of every three months from the date of such conviction, until the said outer or partition wall or walls shall be pulled down and removed, or otherwise made conformable to the provisions of this sub-division.

Ib., § 4.

Persons employed in erecting buildings subject to penalties.

SEC. 582. Every person who shall be employed in the building or construction of any outer wall or walls of any building, contrary to the foregoing provisions, shall, on conviction, forfeit and pay to the use of the City the sum of five dollars for every day he may be so employed.

Ib., § 5.

Police to give information.

Penalties.

SEC. 583. It shall be the duty of the police to give immediate information, by report in writing, to the City Council, of all offences committed against this sub-division; and all penalties incurred for violation of any of the provisions of this sub-division, shall be recovered by the City Council, in any Court of competent jurisdiction; one-half thereof for the use of the City, and the other half for the use of the person who shall inform against and prosecute the party offending to conviction.

May 14, 1895.

Lintels of buildings not to be of wood.

SEC. 584. It shall not be lawful for any person to build, erect or put up any lintel extending across the front of any house, store or building within the limits of the City of Charleston, of wood or other combustible material, but any such lintel so reaching or extending across the front of any such house, store or building shall be of stone, metal or other incombustible material. And it is further ordained that all (brick and wooden) buildings hereafter erected in the City of Charleston shall have fire

stops of incombustible material at each floor from the bottom of the floor joist to three inches above the top of the same; said fire stops at each floor shall fill the spaces full between the studding and furring entirely around the external walls of the building and through the interior wherever the floor joists have a bearing. In dwelling houses above the first floor, smoke stops of wood may be placed, said smoke stops to be the full depth of studding and not less than two inches thick. An incombustible fire stop shall be put around all vertical piping at each floor. All ventilation ducts or pipes shall be of incombustible material. Any person violating this section, or any or either of the provisions thereof, shall upon conviction pay a fine not exceeding one hundred dollars or be imprisoned for a period not exceeding thirty days, and in addition thereto a fine of five dollars for each and every day that such violation of this section or any provision thereof shall remain after notice to remedy the same.

Penalty.

SEC. 585. It shall be made the duty of the occupant of every store or building where trap-doors or other openings are daily used for hoisting or lowering goods, or for any other purpose, to cause the same to be closed and fastened every evening before leaving the premises. And every person so engaged, failing to comply with the foregoing provisions, shall forfeit and pay a fine of not less than one hundred dollars, to be recovered in any court of competent jurisdiction; one-half to the use of the informer, and the remainder to the use of the City: *Provided*, That nothing herein contained shall affect any place where permanent and substantial railings or wood-work enclose the openings mentioned.

Aug. 24, 1868,
§ 1 and 2.Trap-doors in
stores to be clos-
ed every evening.

Penalty.

Proviso.

Jan. 10, 1882.

Plan of build-
ings to be sub-
mitted to City As-
sessor.

architect or builder, shall notify the City Assessor of the City, and shall submit to him a statement in writing of the specifications and plans for such erection, construction, or alteration or otherwise, and a record of said statement shall be kept in the office of said City Assessor; and any person or persons failing to comply with any requirements of this section shall be subject to a penalty of twenty dollars, and to an additional fine of ten dollars for every day that such violation shall continue.

Permits to
erect or alter
buildings only is-
sued to licensed
workmen.

Proviso.

SEC. 587. No owner, architect or builder shall be allowed to erect, construct or alter any building without the written permission of the City Assessor, which said written permission shall be given by him to such persons only as are regularly licensed by the city to do and perform such work: *Provided*, No license shall be required from individuals, firms, or corporations doing their own construction or repair work, or engaged in any business requiring the employment of mechanics in the natural course of conducting such business, for which business the said individuals, firms or corporations have already taken out a proper license.

Penalty.

Any person, firm and in the case of corporations, any officer or officers thereof, found guilty of violating this ordinance, shall be fined not more than one hundred dollars or be imprisoned not more than thirty days.

Chimneys.

Jan. 19, 1858, § 1.

Chimneys o f
wooden houses.

SEC. 588. It shall not be lawful to build or construct, or cause to be built or constructed, any chimney in any frame or wooden building within the City unless such chimney shall be commenced from the foundation of the said frame or wooden building, and be constructed of brick or stone.

SEC. 589. It shall not be lawful to build or con-

struct, or cause to be built or constructed, any chimney to any building, whether the said building be of wood, brick or stone, unless the said chimney shall rest at least two feet above the ridge or highest part of the roof of the building out of which it projects, and be constructed of brick or stone and commenced from the foundation of such building. No wood-work shall be secured to the brickwork of any flue or chimney. Fireplaces shall be closed in with an iron bar, and no wood shall be used in the construction of any chimney, fireplace or hearth. Stoves shall be placed upon bases of some incombustible material; their bodies shall be at least twenty inches and smoke pipe at least eighteen inches from any unprotected woodwork. Woodwork within said distances shall be protected by metal covering, and if within less than one-third of said distances shall have a double metal covering, with ventilating space between. No chimney, smokestack or other structure for the escape of smoke or heat shall be erected, maintained or used in such condition as to be a nuisance or as to endanger adjacent or surrounding property.

SEC. 590. It shall not be lawful to build or construct, or cause to be built or constructed, any hearth in any building whatever, unless the said hearth shall rest upon an arch of brick or stone.

SEC. 591. Any person offending against any of the foregoing provisions shall be subject to a penalty of one hundred dollars for each offence, or imprisonment not exceeding thirty days, and also an additional penalty of twenty dollars for each week that said offence shall remain and continue contrary to the provisions of the three preceding sections.

SEC. 592. If any chimney in the city shall take fire and blaze out at the top the contractor in whose district the chimney may be located shall be subject

May 14, 1895.

Chimneys to
rise two feet
above roof.

Fireplaces to be
closed in, and no
wood to be used.

Jan. 19, 1858, §3.

Hearths.

Penalty.

Feb. 7, 1848.

Aug. 11, 1896.

Penalty if chimney
shall take fire.

to a fine at the discretion of the Court, not exceeding ten dollars, on judgment to that effect being rendered against him in the Police Court: *Provided*, That the said contractor may clear himself by proof that the said chimney has been swept by him within a month, or that he, the said contractor, has offered to sweep the same within the said period, has notified the owner and occupant, and has not been permitted to do so; or, *Provided*, further, that the said flame has been caused by inflammable material having been placed in the chimney by some person or persons, in which cases the person or persons so refusing to allow the said chimney to be swept or so placing the inflammable material in said chimney shall be subject to a fine not exceeding ten dollars, or imprisonment, at the discretion of the Court, not exceeding thirty days, for each and every offence.

May 10, 1898.

Fire-masters to
enforce certain
sections.

That the enforcement of the laws relating to "buildings and chimneys" contained in Sections 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587 and 588 of the General Ordinances so far as they come within the scope of the fire department, in any part of the City of Charleston, be and the same is hereby placed in the hands of the board of firemasters.

May 10, 1898.

Chief of Fire
Department to
grant permit to
erect chimneys,
etc.

SEC. 593. It shall be the duty of every owner, contractor, builder or workman contemplating the doing of any work on chimneys, smoke flues or heating apparatus to first notify the chief of the fire department of the nature and location of such work and obtain a permit from him before commencing the same, and the said chief of the fire department shall straightway give a permit in writing, if the work contemplated is proposed to be done in compliance with law, but not otherwise.

Chief of Fire
Department to in-
spect.

SEC. 594. It shall be duty of every owner, contractor or builder to give written notice to the chief

of the fire department whenever new chimneys, smoke flues or heating apparatus are being erected by such owner, contractor or builder, and before such work has been covered with plastering, laths or other covering, whereupon the said chief of the fire department shall have said work inspected, and within forty-eight hours after such written notice has been given him.

And the said chief of the fire department shall immediately after such inspection has been had furnish the owner, contractor or builder so notifying him with a certificate to the effect that such work has been done in compliance with the law: *Provided, however,* That he shall refuse to give such certificate upon finding that the said work has been done contrary to law.

SEC. 595. Every owner, contractor or builder who shall hereafter erect any building within the limits of the City of Charleston shall cause the same to be constructed with an opening of not less than 2x3 feet in size, with trap door near the ridge of the roof, and also a scuttle hole of similar size in the upper ceiling, and directly under the said opening the roof of such building.

SEC. 596. The chief of the fire department is hereby directed and required to keep copies of the building laws at his office at all times and to give the same free of charge to all owners, contractors or builders making application for them.

SEC. 597. It shall be the duty of every chimney contractor, and he is hereby required, to report to the chief of the fire department any and all chimneys found by him to be defective or dangerous.

SEC. 598. Any person or persons violating any of the foregoing sections shall upon conviction be subject to a fine of one hundred dollars, or to imprisonment not exceeding thirty days, for each and every offence.

Chief to furnish a certificate.

Roof to have trap door.

Chief to furnish copies of building laws.

Contractor to report dangerous chimneys.

Penalty.

Nov. 12, 1895.

Scaffolding on
sidewalks.

Penalty.

SEC. 599. That all persons who shall undertake the erection or improvement of buildings within the city limits necessitating the use of scaffolding on the sidewalks shall be required to maintain a clear passage on the sidewalk and to erect such a platform or scaffolding over the sidewalk as will protect pedestrians from any danger from falling material during the course of construction.

SEC. 600. That anyone violating the above provisions shall be subject to a fine not exceeding ten dollars for every day the ordinance is violated after being notified, or imprisonment not exceeding ten days, either or both, in the discretion of the court.

Chimney Contractors.

Dec. 10, 1883.

Chimney con-
tractors.

Bond.

SEC. 601. There shall be annually elected by City Council at the first regular meeting in January six contractors for sweeping chimneys, to-wit: One for Wards One and Two, one for Wards Three and Four, one for Ward Five and Six, one for Wards Seven and Eight, one for Wards Nine and Ten, and one for Wards Eleven and Twelve. Each of said contractors shall give bond to the City Council in the penal sum of one thousand dollars, with two good sureties, conditioned for the faithful performance of their duty.

Jan. 16, 1866, §2.

Inspection.

Owners to pay
fees.Penalty for re-
sistance.

SEC. 602. All and every person occupying a building with a chimney or chimneys thereto, in which a fire is usually made, shall allow and permit the said contractor or contractors to visit, inspect, and cause to be swept, the said chimney or chimneys, once in every month, and he, she, or they, pay for such sweeping, the fees hereinafter prescribed. And in case any person shall oppose or prevent the sweeping of any chimney, as before directed, he, she or they making such opposition, on conviction thereof, before the Recorder, shall be fined in a sum not exceeding fifty dollars.

SEC. 603. If the contractor for sweeping shall neglect his duty in not causing the said chimney to be swept perfectly neat and clean, or leaving any chimney which ought to be swept, unswept for one month, as hereinafter directed, said contractor, on information before the Recorder of such neglect, shall, on conviction thereof, be fined a sum not exceeding fifty dollars: *Provided*, Said contractor was not opposed or prevented from sweeping said chimneys; then (if opposed) the fine may be inflicted on the occupant or owner of the house.

Ib., § 3.
Penalty for neglect of duty.

SEC. 604. Said contractor shall give notice, in *public* print, of the time and hour the chimney or *chimneys* is or are to be swept, which notice shall be *given* at least two days before, and such sweepings *shall* take place at a proper and convenient hour; and such contractors shall keep each an office, entitled a "Sweep's Office," centrally located, where any person sending for a sweep shall be immediately accommodated with one, or as soon thereafter as possible.

Ib., § 4.
Public notice.

Office.

SEC. 605. In all cases of neglect of the said contractors, (not herein provided for,) on conviction thereof such contractor shall be fined in any sum not exceeding fifty dollars; and that any sweep-boy sweeping or offering to sweep chimneys in this City, unless licensed by the contractor, shall be fined in a sum not exceeding five dollars.

Ib., § 5.
Other penalties.

SEC. 606. The following fees shall be allowed for sweeping chimneys, viz: ten cents for each *story*, which fees shall be paid by the owner or occupant of the house or rooms before the chimneys therein are swept.

Ib., § 6.
Fees.

SEC. 607. Houses which have chimneys wherein anthracite coal is exclusively burnt, will be required to be swept only at the option of the owner or occupant.

Ib., § 7.
Exemptions.

SEC. 608. Any owner or occupant of any house.

April 13, 1880.

Penalty for refusing to have chimney swept.

rooms or room, the chimneys of which are required to be swept, who fail or refuse to have the same swept upon being notified by the chimney contractor, whose duty it is to sweep the same, shall be liable for each offence to a fine of not more than two dollars, or to imprisonment not exceeding ten days, upon conviction, and out of which fine the fees for sweeping such chimneys shall be paid. It shall be the duty of the chimney contractors to report to and summon before the Court trying the case, all persons in their respective wards, who may violate the provisions of this sub-division.

CHAPTER XIV.

BICYCLES—CARRIAGES, CARTS, DRAYS, HORSES, ETC.

Oct. 12, 1897.

Unlawful to run bicycles on sidewalks.Bicycles to have a bell.To have a lamp at night.Unlawful for three persons to ride abreast.

SEC. 609. It shall be unlawful for bicycles to be used or run on any of the sidewalks or in any of the public parks, except Marion square, in the City of Charleston.

SEC. 610. Every bicycle shall be provided at all times, when in use, with a bell, which may be distinctly heard at a distance of thirty yards, which shall be rung whenever approaching crossings or turning corners of intersecting streets, lanes and alleys, and also whenever collision is apparently imminent.

SEC. 611. Every bicycle, when in use between sunset and sunrise, shall carry a lighted lamp, which may be distinctly seen at a distance of not less than one hundred yards.

SEC. 612. It shall be unlawful for more than three persons to ride abreast, or for any persons to ride a bicycle crosswise or curving to and fro, or to ride a bicycle without having one hand on the

handle bar, or to ride without having control of the bicycle, on any street, lane or alley within the city limits.

To have control of wheel.

SEC. 613. It shall be unlawful for anyone to ride a bicycle on any of the streets, lanes or alleys of the city at a greater rate of speed than seven miles per hour, and it shall be unlawful for anyone to ride a bicycle across the intersection of any street, lane or alley or in turning a corner of any street, lane or alley at a greater rate of speed than four miles per hour.

Unlawful to ride through streets faster than seven miles per hour.

SEC. 614. Any person or persons violating or causing to be violated any of the provisions of Sections 609, 610, 611, 612, 613 shall, on conviction, be fined in a sum of not less than one dollar nor more than twenty dollars, or be imprisoned for a term not exceeding five days, either or both, in the discretion of the court.

Penalty.

Carriages, Carts, Drays.

SEC. 615. Licenses of the tenor and for the purposes mentioned in this section and its several subdivisions shall be granted by the city treasurer once in every year, to-wit: between the 2d and 10th days inclusive of January, in each and every year, to such person or persons as may apply therefor as herein-after directed; and every such license shall be and continue in force for one year from the first day of January and no longer: *Provided, nevertheless,* That the city treasurer may be authorized to grant such licenses to such persons as may not have applied within said specified days of the said month, who shall notwithstanding pay therefor as though they had obtained licenses for a full and entire year, commencing at the period above stated.

April 23, 1889.
Nov. 23, 1897.

Vehicles to be licensed.

SEC. 616. It shall be the duty of the city treasurer to cause to be made a metal badge, suitably in-

Treasurer to furnish metal badge.

scribed, the design and numerals thereon to be cut in such an effective way as will prevent imitation, to be supplied to all persons, as directed in Section 615, taking out a license for a vehicle, cart, (including farm carts,) dray, hack or wagon, and it shall be the duty of all persons taking out said license to securely affix said badge to the blind of the bridle on the right hand side, or some conspicuous place on the right hand side of the vehicle, and should at any time this license badge be found not so secured and displayed in the place herein designated, the owner thereof shall be liable to a penalty of 20 per cent of the cost of said license as fixed in Section 617 for each and every such neglect. It will not be obligatory on the owner of public carriage, coaches or omnibuses to affix the badge as required by this Section—but, in lieu thereof, the drivers of said carriages, coaches or omnibuses shall at all times be prepared to exhibit said badge when demanded by an authorized officer of the city government; and upon the failure to produce said badge when so demanded the owner of all such public vehicles shall be liable to a fine of \$15 for each and every such failure. There shall be kept at the treasurer's office a special list of all such license badges, showing the number of said badge and the name of the person to whom it has been issued; and no sale, transfer or assignment of any dray, cart or wagon license or badge issued by and purchased from the city treasurer as required by this section shall be lawful or valid, nor shall vest any right thereunder in the purchaser, transferee or assignee thereof unless such sale, transfer or assignment shall be first reported to the city treasurer and entered on the list, or in the book in which such license or badge is recorded; and any person having in his possession or using any such license or badge without first hav-

Badge to be af-
fixed to blind,
etc.

Special list of
badges issued to
be kept by Treas-
urer.

ing the same recorded in his name in the office of the city treasurer shall be subject to a fine of ten dollars or to imprisonment not exceeding thirty days.

SEC. 617. For the licenses or badges required by this section the following sums shall be paid for the use of the corporation; that is to say, for vehicles, carts used for business purposes, (including farm and phosphate carts,) trucks or wagons, drays, hacks :.....

a. Drawn by one horse, each.....	\$10 00
b. Drawn by two horses, each.....	15 00
c. Coaches, omnibuses, drawn by two horses, each	15 00
d. Buggies and carriages, drawn by one horse, each	10 00
e. Buggies and carriages, drawn by two horses, each	15 00

and every person applying to the city treasurer for a license or badge for letting or driving for hire any of the vehicles described in this section shall take and subscribe before him the following oath, to-wit:

I, A. B., do solemnly swear (or affirm, as the case may be) that the omnibus, hack, carriage, cart, dray, truck or wagon for which I have now applied for a license is truly and bona fide my property, or the property of C. D., for whom I apply therefor as agent. So help me God.

SEC. 618. Whenever any person to whom a license or badge shall have been granted as aforesaid shall lose the said metal badge, or the same be in any way destroyed, it shall be the duty of such person to inform the city treasurer of such loss or destruction; who, upon being satisfied of the truth of such statement, shall, and he is hereby authorized to, grant a certificate to such persons of his having

Loss of badge
to be reported to
Treasurer.

Penalty.

received a metal badge and notified him of the loss or destruction of the same; and every person neglecting to give the information hereby required and immediately replace the said number shall forfeit all right to a license or badge for the said year and all rights and privileges conferred by the possession of such license or badge.

Unlawful for vehicle not to have license.

SEC. 619. Every vehicle upon which a license is required by this section found on the streets without such license shall be arrested by the police, and it shall be the duty of the police to arrest all such vehicles, detaining the same until the license, together with the fines and penalties thereon, hereby imposed shall be paid.

Licenses a lien on vehicles.

SEC. 620. The license charge and all fines and penalties imposed by this Ordinance and its several sections are hereby made liens upon the vehicles, carts, used for business purposes, (including farm and phosphate carts,) trucks or wagons, drays and hacks, and shall be enforceable in the Police Court, the City Court, or in any other Court of competent jurisdiction.

Automobiles.

Feb. 12, 1901.

Speed of automobiles.

To have gong.

Ring gong when approaching corners.

SEC. 621. It shall be unlawful for any mobile, automobile, locomobile or any vehicle of a similar character to be used or run on any of the sidewalks or in any of the public parks, except Marion square, in the City of Charleston.

SEC. 622. Such vehicles shall be provided at all times, when in use, with a gong or bell, which may be distinctly heard at a distance of thirty yards, which shall be rung whenever approaching crossings or turning corners of intersecting streets, lanes and alleys; also whenever collision is apparently imminent.

SEC. 623. Such vehicles, when in use, between

sunset and sunrise, shall carry a lighted lamp, which may be distinctly seen at a distance of not less than one hundred yards.

SEC. 624. It shall be unlawful for any person or persons to use or run any such vehicles abreast, or curving to and fro, or without having one or both hands on the guide, or without having thorough control of such vehicle, on any street, lane or alley within the city limits.

SEC. 625. It shall be unlawful for anyone to run any such vehicle on any of the streets, lanes or alleys of the city at a greater rate of speed than ten miles per hour, and it shall be unlawful for anyone to run any such vehicle across the intersection of any street, lane or alley, or to turn a corner of any street, lane or alley at a greater rate of speed than four miles an hour.

SEC. 626. Any person or persons violating any of the provisions of the above sections shall, on conviction, be fined in the sum of not less than one dollar or more than twenty dollars, or by imprisonment for a term not exceeding five days, either or both, at the option of the court.

Carts and Drays.

SEC. 627. No carts or drays shall stand or ply for hire in any of the streets, lanes or alleys, but be divided and placed by the police under the direction of the Mayor, for the time being, at such place or places as may be appointed by him. And any driver or conductor of carts, drays, or other carriages, who, after having their stands appointed, shall quit the same, or ply for hire in any other place, unless going to work, or to their respective homes, such driver or conductor of a cart or dray shall be subject to a fine for every such offence of three dollars, or imprisonment not exceeding three days in jail.

Dec. 30, 1805.
Carts and drays
not to ply for
hire except at ap-
pointed places.

Feb. 5, 1833.

Horses and mules not to run at large.

Penalty.

Oct. 13, 1896.

Oct. 12, 1897.

All drivers to pass each other on the left hand.How to proceed in turning corners.

SEC. 628. No horse or horses, mule or mules, shall be permitted to run at large or be driven through the streets of the city, without being properly bridled or haltered, and led by some person capable of managing them; and any owner or person having the care and management of any horse or horses, mule or mules, offending herein, shall for every such offence, be subject to a penalty not exceeding five dollars, or imprisonment not exceeding five days, and the police, or any other person are hereby authorized to take into his or their possession any horse or horses, mules or mules, so running at large or driven through the city, and the same to keep until the owner or owners thereof shall defray the expense of keeping, and shall also pay the fine hereinbefore provided.

SEC. 629. All drivers of carts, drays, carriages, omnibuses and all other vehicles moving on wheels, except invalid tricycles or chairs and baby carriages, and all riders of horses, mules, bicycles and similar vehicles shall always drive or ride to the right of the center line of the street and near the footway on their right hand, except while actually leaving a place of departure or arriving at a place of destination, and shall pass each other when going in opposite directions, so that each shall have the other on the left. In overtaking a vehicle or ridden animal going in the same direction, or any obstacle on the right hand side of a street, lane or alley, the driver or rider shall pass said overtaken vehicle, ridden animal or obstacle on the left of the vehicle or animal so overtaken or the obstacle to be passed, returning to the right hand side of the street, lane or alley as soon as practicable. In turning corners to the left drivers or riders shall keep straight ahead until they have passed the center line of the intersecting street, and then, and not until then, shall they turn to the left. In turning corners to

the right, drivers or riders shall turn as near to the curb on their right hand as is practicable. In turning all corners, drivers or riders shall go in single file: *Provided, however,* That wherever special bicycle paths are laid down on any of the streets, lanes or alleys in the city, all drivers of carts or similar vehicles with iron-tired wheels shall keep said vehicles off of said bicycle paths, except when crossing street intersections, passing overtaken vehicles or going to or from their places of destination or departure. Any person violating this section shall, upon conviction, be subject to a penalty of not less than one dollar, or more than twenty dollars, or be imprisoned for a term of not more than five days, either or both, at the option of the court.

*Proviso.**Penalty.*

SEC. 630. If any person shall run or race any horse, mare, gelding, or other animal, or start the same for racing, within the City of Charleston, or if any owner or keeper of such horse, mare, gelding or other animal, shall permit any act aforesaid to be done within said city, every person so offending on conviction thereof, shall, for every such offence, pay a fine not exceeding one hundred dollars, or imprisonment not exceeding thirty days.

*May 5, 1868.**Racing animals in city limits.**Penalty.*

SEC. 631. If any person shall ride, drive or lead any horse, mare, gelding or other animal or more than one of such animals faster than at the rate of six miles per hour in any street, lane, alley, market place, public landing or common in said city, or if driven any carriage, wagon, dray, or other vehicle drawn by any animal or animals, or shall ride any bicycle in any street, lane, alley, market place, public landing or common in said city faster than at the rate of seven miles per hour, every person so offending, on conviction thereof, shall for every offence pay a fine not exceeding one hundred dollars or suffer imprisonment not exceeding thirty days.

*Rate of driving animals.**Rate of driving conveyances, etc.**Penalty.*

CARTS AND DRAYS.

**Fast driving
around street corners prohibited.**

Penalty.

**Prohibition
against loose or
careless driving.**

**Snapping of
whip and profane
language prohibited.**

SEC. 632. If any person shall ride, drive or lead any horse, mare, gelding, or other animal, faster than a walk turning around a corner at the intersection of any street, lane or alley, with another lane, street or alley, or within any market place, public landing or common in said city; or if any person shall drive, or cause to be driven, any carriage, wagon, dray or other vehicle, drawn by any animals, faster than a walk, or shall ride a bicycle faster than at the rate of three miles an hour while turning around any corner, as aforesaid, in said city, every person so offending on conviction thereof, shall, for every such offence, pay a fine not exceeding one hundred dollars, or suffer imprisonment not exceeding thirty days.

SEC. 633. If any driver of a dray, wagon, carriage, or other vehicle, drawn by any horse, mare, gelding, or mule, or by more than one of such animals, shall within the city, permit such dray, wagon, carriage or other vehicle to proceed, being drawn as aforesaid, on any street, lane, alley, market place, public landing or common, without the said driver having fast hold to the reins of such animal or animals, or without being so near that the driver can, in case of necessity, instantly take hold of such reins, every driver so offending shall, on conviction thereof, for every such offence, pay a fine not exceeding one hundred dollars, or suffer imprisonment not exceeding thirty days.

SEC. 634. Any hackman, omnibus driver, drayman or cartman, who shall, while waiting for employment at any stand, or while while waiting for employment or otherwise at any railroad termination, steamboat, or other boat landing, or elsewhere, leave such vehicle except for the purpose of getting the baggage, or other personal property of the person employing him, or who shall snap his whip or use indecent or profane language, or be guilty of

boisterous or loud talking, or hallooing, of any disorderly conduct, or vex and annoy travelers or citizens, or obstruct any sidewalk, shall be subject to a penalty of ten dollars in every case, or imprisonment not exceeding five days.

Penalty.

Crossings of
streets not to be
obstructed.

SEC. 635. No owner, driver or other person, having the care of any truck, cart, wagon or other vehicle, whether used for burden or pleasure, shall stop or place such vehicle at or near the intersection of any street, lane or alley, in the direction of the line of the footing or flagstones, or prevent foot passengers from passing the street, lane or alley, in the direction or the line of the footing or flagstones on the side of such street, lane or alley, under a penalty of not less than three nor more than twenty dollars, or imprisonment not exceeding ten days, and any person who shall have so placed any such vehicle, as aforesaid, and shall not immediately, on the request of any foot passenger, cause the same to be removed, or who shall absent himself so that such request cannot immediately be made and complied with, shall be liable to an additional penalty of not less than two dollars nor more than ten dollars for each offence, or imprisonment not exceeding five days.

Penalty.

SEC. 636. Every driver of any truck, wagon or other vehicle within the city of Charleston shall remain near to such vehicle while it is unemployed or standing in the streets or squares of the city, unless he shall be necessarily absent therefrom in the course of his duty and business, and shall so keep his horse or horses, and a carriage or other vehicle, so that the same shall not obstruct the said streets or squares, or other public passages, in any other manner than is allowed by law or the ordinances of the City Council; and no driver of any carriage or other vehicle, while waiting for employment, either at any stand which is or may be appointed for such

Drivers to re-
main near their
vehicles while un-
employed.

Streets not to
be obstructed.

Penalty.

carriages or other vehicles, respectively, or in the public streets or squares of the city, shall snap or flourish his whip; and any one who shall violate either of the provisions of this section shall be liable to a fine of not less than two dollars nor more than twenty dollars, for each offence, or imprisonment not exceeding ten days.

Police to arrest offenders and preserve order.

Resistance to an officer in the discharge of his duty.

Penalty.

SEC. 637. The Chief of Police, and any member of the police force, shall have power to arrest and commit any person offending in any of the provisions of this sub-division, who refuses or fails to desist from such offence when committed. He and they shall have power to give any directions which may be required for the preservation of good order and the equal convenience of the public, at any railroad termination and steam or other boat landing; and any hackman, drayman, or other person, who shall refuse or neglect to obey such directions, or who shall resist such officer in the discharge of any duty, shall be deemed guilty of a breach of the peace and be subject to an immediate commitment. On conviction, the offender shall be subject to a fine of not less than five dollars and not exceeding one hundred dollars, or to imprisonment, in the discretion of the Court, not exceeding thirty days.

Vehicles to be removed from streets.

Loaded carts and drays, etc., not to be driven through King Street.

SEC. 638. All vehicles, without horses harnessed thereto, must be removed from their stands and from the streets during the night and on Sundays; otherwise they will be removed by the City at the expense of the owners.

SEC. 639. It shall not be lawful for any cart, dray, wagon or other carriage, laden with cotton, lumber or other merchandise or commodity, to be driven through King street, south of Calhoun street, or any part thereof, save and except for the purpose of receiving or depositing a load in any such part of said street; and any driver or conductor of any such cart, dray, wagon, or other carriage,

offending herein, shall be subject to a fine of not less than ten dollars nor more than twenty dollars, or imprisonment not exceeding ten days.

SEC. 640. The following shall be the established maximum rates for the use of hackney coaches, carriages and omnibuses, other than line omnibuses within the city, that is to say: From or to any steamboat landing or railroad depot, to or from any hotel or private residence within the limits of the city, for each passenger fifty (50) cents, but with ordinary baggage seventy-five (75) cents; from any other point to any point within the limits of the city, for each passenger fifty (50) cents; for the use of any carriage or hack when the same is not engaged for a day or afternoon, rate per hour, one dollar and fifty cents (\$1.50) for the first hour and one dollar for each subsequent hour.

SEC. 641. The rates of fare herein established, printed on the card, with the name of the owner or owners printed thereon, examined and certified by the Mayor of the City, shall be attached to some conspicuous place in the inside of every omnibus, carriage, or hack plying for hire; and there is hereby imposed a penalty of five dollars for every neglect of the same, to be paid by the owner or owners of such omnibus, carriage or hack.

SEC. 642. If any driver or owner of any hack, carriage or omnibus, other than line omnibuses, shall demand or receive any greater rates or prices than those herein allowed, the person so offending shall, for every such offence, pay a fine of five dollars, or be imprisoned in jail not exceeding five days.

SEC. 643. If any driver of any hack, carriage or omnibus, or any other person, shall lay hold upon or take possession of any trunk, baggage, or other article belonging to any traveler or passenger, at any railroad depot or place of landing for ships, vessels

June 3, 1902.

Rates of fare
for hacks, etc.

April 10, 1866.

Rates of fare to
be placed in con-
spicuous place in
vehicles.

Penalty.

Penalty for de-
manding more
than fare allow-
ed.

Penalty for lay-
ing hold of bag-
gage without con-
sent of owner.

or steamboats, without consent of the owner of such trunk, baggage or other article, or of the public officer in attendance, he shall be subject to a fine of five dollars, or be imprisoned not exceeding ten days, in the discretion of the court, for every such offence.

Jan. 10, 1882.

Persons with infectious diseases not to be removed in carriages.

Penalty.

Dec. 26, 1882.

Glanders or farcy.

Penalty.

June 8, 1880.

Cruelty to animals unlawful.

SEC. 644. That no owner, driver, or other person having the charge of any hackney carriage or other vehicle, used as a public conveyance, shall receive, or permit to be placed, or convey in any manner, in or upon said carriage or other vehicle, any person sick or infected with the smallpox or any other contagious disease, or the body of any person who has died of smallpox or any other contagious disease, under penalty of fifty dollars, or imprisonment not exceeding ten days; that the body of any person who dies of smallpox or any other contagious disease, shall be removed in a licensed hearse and in no other conveyance.

SEC. 645. That it shall not be lawful for any person to bring or keep within the limits of the city of Charleston any horse or other animal having a disease known as glanders or "farcy." That the owner, agent or any other person in charge of an animal so affected, or who may have knowledge of such an animal, shall forthwith report the same to the Board of Health, together with the name of such owner and the place where the animal is kept, and it shall be disposed of under the direction of said board. Any person violating any of the provisions of this section shall for each and every offence, be fined in a sum not less than ten dollars nor more than fifty dollars, or be imprisoned not exceeding ten days.

SEC. 646. That it shall not be lawful for any person or persons to overload any animal or animals of burden used within the City of Charleston for the transportation of persons, goods, wares

and merchandise; or to use, work, or employ in any manner any bruised, maimed, sick, or lame beast of burden; or to cruelly beat, bruise, ill-treat, or in any manner whatever torture such beast or beasts, or any other animal or animals. Any person guilty of violating any of the provisions of this section shall, on conviction thereof before any court of competent jurisdiction, be subject to a fine of not more than fifty dollars, or be imprisoned for a period not exceeding thirty days.

Penalty.

SEC. 647. That it is hereby made the duty of drivers of passenger vehicles for hire in the City of Charleston, when standing in the streets of the City of Charleston to be hired, to stand at the following places, to-wit:

Stands for ve-
hicles for hire
located.

Chalmers street, south side, east of Meeting street, one stand.

Cumberland street, south side, east of Meeting street, one stand.

South Market street, north side, east of Meeting street, two stands.

North Market street, south side, east of Meeting street, two stands.

Cannon street, north side, west Rutledge avenue, three stands.

Clifford street, south side, west of King street, two stands.

Market street, south side, west of King street, one stand.

George street, south side, west of King street, two stands.

Calhoun street, south side, east of King street, two stands.

Line street, south side, west of King street, one stand.

Line street, south side, east of Meeting street, one stand.

Bay street, west side, north of Chapel street.

On either the north or south sides of Chapel street, between Drake street and Bay street: *Provided, however,* That said vehicles shall at no time stand in front of doors and other entrances of the railroad stations: And, provided further, that said vehicles shall not stand abreast between the car tracks and the sidewalk of said street, but shall be stationed one behind the other.

Rate of fare.

SEC. 648. That it shall not be lawful for the drivers of said vehicles to charge exceeding fifty (50) cents for passengers as fare from or to any depot in the City of Charleston, to or from any point in said city. And further, it shall not be lawful for the said drivers to charge exceeding one and one-half dollars (\$1.50) for the first hour and one dollar per hour for each hour thereafter within the city limits for hire of any vehicle, without regard to the number of passengers.

**Rates of fare
to be posted in
vehicles.**

SEC. 649. That it is hereby made the duty of the drivers of said vehicles to post inside the vehicles, so that it may be plainly seen by passengers, a printed notice showing the rates fixed by this ordinance, at top of which shall read: "The driver of this vehicle holds driver's badge No. —."

**Driver to wear
badge.**

SEC. 650. That each driver of vehicle shall wear a badge placed on the outside of his coat, properly numbered, so that he may be designated, and the number on the badge corresponding with the number of the license on the vehicle, said badge to be issued yearly and shall bear the date of the year in which it is issued, and shall be furnished by the city treasurer upon the taking out of the license for the vehicle, as provided in Section 615 of the General Ordinances, and any amendments thereto, or that may hereafter be made.

SEC. 651. That any person violating this or-

dinance or any provisions thereof shall be subject, upon conviction before the Recorder's Court of the City of Charleston, to a fine not exceeding twenty-five dollars (\$25) dollars, and to imprisonment not exceeding fifteen (15) days, either or both, in the discretion of the Court.

Penalty.

SEC. 652. When any horse, mule, cow, or cattle shall be taken up, going at large in the City, by any of the City police, or shall be lodged as an estray, at the City Police Station, it shall be the duty of the officer in command at such Police Station to advertise such horse, mule, cow or cattle, in one of the morning papers for at least five days; and if the owner shall apply for the same, and prove his property, and pay the penalty and expenses incurred, the same shall be delivered up to him; but in the event of non-application or non-payment, the same shall be sold at public outcry, after five other days' notice in one of the newspapers of the City, and the proceeds be applied, first, to payment of the expenses and the penalty, and the balance, if any, be held subject to the call of the party entitled.

Apl. 12, 1859, §1.

Horses. cows.
&c., going at large
to be taken up,
and how disposed
of.

SEC. 653. Any person or persons owning, keeping or having a dog or dogs within the limits of this City shall annually, before the 1st day of March, pay to the City Treasurer the sum of one dollar for a badge or license for such dog, and if more than one, one dollar for each dog, which shall be in lieu of all taxation and shall permit such dog or dogs to go at large under charge of some responsible person able to control the dog or dogs under all circumstances.

Feb. 12, 1804.

Badges.

SEC. 654. The City Treasurer shall annually provide a sufficient number of metal badges suit-

Feb. 10, 1891.

Badges to be numbered and stamped.

able for dogs, numbered from one upwards, with the year of their issue stamped on them, to be issued as stated in Section 653; the name and residence of each party to whom a badge has been issued and the number of such badge, shall be kept on file in the City Treasurer's office, for the purpose of identification in case such badge should at any time be lost, stolen or otherwise misappropriated.

Feb. 13, 1894.

Unlicensed dog to be caught.How redeemed.If not redeemed, to be killed.

Feb. 10, 1891.

Penalty for removing badge.Pound keeper to keep a roster.

SEC. 655. No dog, licensed or otherwise, shall go at large in this City, except in charge of some responsible person able to control the same under all circumstances. Any licensed dog found going at large contrary to the provisions of this section, shall be caught and be detained in some suitable place, and the owner or person entitled to control shall be notified, who shall be entitled to redeem upon the payment of a fine of fifty cents: if said fine shall not be paid within three days after such notice the said dog shall be killed.

Any unlicensed dog found at large within the City limits, shall be caught and detained in some suitable place, and if not redeemed, as hereinafter provided, within three days shall be killed: *Provided, however,* That any such dog so taken up, may be redeemed upon exhibiting a receipt from the City Treasurer, showing that a license for said dog has been obtained, and upon the further payment of a fine of one dollar and fifty cents.

SEC. 656. Whosoever shall wrongfully remove the badge from or steal a licensed dog, or wrongfully kills, maims, entices or carries away any such dog, shall be punished by fine not less than twenty dollars or imprisonment for not less than thirty days.

That it shall be the duty of the Pound Keeper, to be appointed by the Mayor, to keep a registered roster, from day to day, of the dogs received and a

description of the same, and the name and residence of each party bringing in each dog.

SEC. 657. If any owner or possessor of a fierce or dangerous dog, licensed or not licensed, shall permit the same to go at large in the City, to the danger or annoyance of any of the inhabitants, he, she, or they, shall be liable to a fine of not less than ten dollars, nor more than twenty dollars, and upon a second conviction for the same offence, the Chief of Police shall cause the said dog to be slain.

Fierce or dangerous dogs not to go at large.

Penalty.

SEC. 658. All bitches running at large while in heat, licensed or unlicensed, shall be caught and detained in some suitable place. If a licensed bitch, the same can be redeemed upon the payment of a fine of five dollars; if unlicensed, the said bitch can only be redeemed by the payment of a fine of five dollars and the production of a receipt from the City Treasurer, showing that a license has been taken out. Should said penalties, as the case may be, be not paid in three days, the said bitch shall be killed.

Feb. 13, 1894.

Bitches in heat not to go at large.

Penalty.

SEC. 659. That whenever it shall be made to appear to the Mayor that there are good reasons for believing that any dog or dogs within the City are mad, it shall be the duty of the Mayor to issue a proclamation requiring that all dogs shall, for a period to be defined in the proclamation, wear a good and substantial muzzle, securely put on, so as to prevent their biting, and any dog going at large during that period defined by the Mayor, without such muzzle, shall be impounded, and if said dog shall not be redeemed within three days, by the payment of a fine of one dollar, such dog shall be slain.

Feb. 10, 1891.

Precautions against mad dogs.

Muzzles.

CHAPTER XV.

COTTON — GUNPOWDER — INFLAMMABLE OILS —
NAVAL STORES — FIREWORKS, ETC. — DIS
TILLERIES, ETC. — JUNK SHOPS AND
PAWBROKERS.*Cotton.*Feb. 28, 1888.Lightering cotton.Penalty.Nov. 9, 1897.
Dec. 16, 1889, §1.All ships and vessels using donkey engines to have spark arresters.Nov. 9, 1897.Penalty for failure to use same after notice.

SEC. 660. It shall not be lawful for any person to lighter cotton within the port of Charleston, unless the same shall be securely covered in from danger of fire by good and sufficient covering of wood, tin or tarpaulin, under a penalty of fifty dollars for each and every offence, or imprisonment not exceeding thirty days.

SEC. 661. All ships and vessels now in the port of Charleston, or which may hereafter come to the port of Charleston, using a donkey or any other engine for the purpose of loading, and all steam apparatus of every kind including locomotives, steamboats, or stationary engines, employed or used on or near any of the wharves of the said City of Charleston, are hereby required to provide and use, so long as the said steam engines or apparatus may be employed on or near the said wharves, proper and sufficient spark arresters, and all ships and vessels shall use such spark arresters also on their galley stove pipes, and it is hereby made the duty of the Harbor Master of the City of Charleston to notify the captain or master of such ship, vessel or steamboat, or the owner or person in charge of such steam apparatus, locomotive or stationary engine of this requirement, and see that the same is complied with.

SEC. 662. That any captain or master of any ship, vessel or steamboat, or the owner or person in

charge of any steam apparatus, locomotive or stationary engine, used or employed on or near any of the said wharves of the City of Charleston, who shall refuse or fail within forty-eight hours after notice from the Harbor Master, to provide and use such spark arresters, as hereinbefore required, shall be liable to a fine not exceeding one hundred (\$100) dollars, or to imprisonment not exceeding thirty days.

SEC. 663. It shall not be lawful for any person or persons to store, keep or pile, within the limits of the city, in any building not constructed of brick or stone, and covered with tile, slate, tin or other incombustible material, cotton, loose or in bales or bags, of any quantity or number whatever. Any person or persons storing, keeping or piling cotton, loose or in bales or bags, in any building within the city, contrary to the provisions herein contained, shall be subject to a fine not exceeding one hundred dollars, nor less than twenty dollars, or imprisonment not exceeding thirty days, for each day such cotton, loose or in bales or bags, shall be stored, kept or piled.

SEC. 664. It shall and may be lawful for the Mayor, or any Alderman, to enter into any building, lot or enclosure where cotton, loose or in bales or bags, may be stored, kept or piled contrary to the foregoing provisions, and to require the tenant or owner of such building, lot or enclosure, or the owner or person having the charge of such cotton, to remove the same; and in case any such tenant, owner or other person shall neglect or refuse to remove the said cotton within twelve hours after such notice given, the Mayor is hereby empowered and directed to cause the same to be removed, and lodged in some secure place, at the charge and expense of the tenant or owner of such building, lot or enclosure, or the owner or person in charge of

Jan. 27, 1885.

Regulations for
storing cotton.

Penalty.

Ib., § 2.

Cotton otherwise
stored or
piled, to be re-
moved.

such cotton; the same to be recovered in any Court of competent jurisdiction.

Ib., § 3.

Penalty on owner or tenant of any building where cotton may be found stored contrary to this sub-division.

Mar. 27, 1849, §1.

Not lawful to pack, by means of a screw, loose cotton, without a license from City Council.

Ib., § 2.

How applications for licenses are to be made.

Bond to be executed.

SEC. 665. The owner or tenant of any building, lot, or enclosure within the city, on whose premises any cotton, loose, or in bales or bags, may be found stored, kept or piled, contrary to the foregoing provisions, shall, for each day when the said cotton shall be so found, be subject to a fine of not more than one hundred dollars, nor less than ten dollars, or imprisonment not exceeding ten days.

SEC. 666. It shall not be lawful for any person or persons, either on his, her or their own account, or on account of others, to pack, bale up or otherwise prepare for sale, whether by means of a screw or otherwise, loose cotton, within the limits of the City of Charleston, without having previously obtained from the City Council of Charleston a license therefor, according to the tenor and subject to the regulations of this subdivision; and he, she or they who shall offend herein shall, for each offence, be subject to a penalty of one thousand dollars.

SEC. 667. Applications for licenses under this subdivision shall be made to the City Council, in writing, accompanied with a certificate or certificates of two or more respectable citizens, recommending the applicant as a fit and proper person to receive a license, and offering to become his or her sureties; and any person or persons to whom a license or licenses may be granted, before the same is, or are delivered, shall pay into the hands of the City Treasurer such sum as the City Council shall, from time to time, determine; and at the same time execute a bond or bonds to the City Council, in the penal sum of one thousand dollars, with the sureties named in the application or applications, the condition whereof shall be to comply with the regulations of this subdivision.

SEC. 668. It shall not be lawful for any person

or persons to keep or pack loose cotton in or upon any building anywhere within the city, not constructed of brick or stone, and covered with tile, slate, tin, or other incombustible material. Any person offending shall be subject to a fine not exceeding one hundred dollars, nor less than twenty dollars, or imprisonment not exceeding thirty days, for each day such cotton, loose, or in bales or bags, shall be so stored, kept or piled.

SEC. 669. It shall be the duty of the proprietor or keeper of such licensed press for packing cotton within the city, to put his, her or their brand or mark, as well as the number, upon each and every bale of cotton packed at his press; and whomsoever shall alter, erase or obliterate the aforesaid marks and numbers, or any of them, shall, for each offence, be subject to a fine of one hundred dollars; and it shall be further the duty of the said proprietor or keeper to keep a book of record of all loose cotton received, from whom received and for whose account packed, to whom delivered; and the said book shall be kept, like the scale book of a wharf, in some place accessible to the public, and be open to public inspection.

SEC. 670. It shall not be lawful to use fires, burn lights on any premises, or in any building where loose cotton is spread, piled or packed, nor to spread or pile loose cotton on any street, wharf or other place unenclosed and uncovered. It shall not be lawful to work at any packing press, or in any place where loose cotton is handled, kept or packed, before sunrise nor after sunset. Any person offending against any or either of the provisions of this Section, shall be subject to a penalty of one thousand dollars.

SEC. 671. It shall not be lawful to bring into or keep at any place within the city cotton, burnt, or partially burnt, scorched, or otherwise fire marked,

June 6, 1876.
Jan. 27, 1885.

Not lawful for any person to keep or pack loose cotton, except in a brick or stone building.

Penalty.

Mar. 27, 1849, §4.

Proprietor of press to put brand and number upon every bale pressed.

Penalty for altering mark and number.

Proprietor to keep a record of all loose cotton received.

June 6, 1876.

Not lawful to use fires or lights.

Penalty.

Dec. 23, 1884.

Not lawful to keep burnt or scorched cotton within the City except, &c.

whether loose or in bales, except upon a special written permit from the Chief of the Fire Department, approved by the Mayor, which permit shall expressly state the place or places from which such cotton may be brought, and where such cotton may be kept, the precautions to be observed, and the length of time during which the permit shall be of force; and every person who shall obtain such a permit, shall, before acting upon it, give satisfactory and sufficient security for any expense which may be caused the city for the breaking out of fire in such burnt or fire marked cotton. Any person or persons, or corporation, offending against either of the provisions of this Section, shall be subject to a penalty of five hundred dollars for each and every offence.

Penalty. Mar. 27, 1849, §6.

Penalty for
stealing cotton.

SEC. 672. If any person or persons within the city shall steal loose cotton, or shall buy or receive stolen loose cotton, knowing the same to be stolen, he, she or they shall be subject to a penalty of two hundred and fifty dollars.

Sep. 4, 1855, §1.

Unlawful for
cotton menders to
take samples.

SEC. 673. It shall not be lawful for any mender or menders of cotton bags or cotton bales, to carry with him, her or them any basket, bag or other vehicle, for the purpose of taking away, whether on his, her or their own account, or on account of others, any sample or samples of cotton, or any loose cotton, from any bags or bales they may be employed to mend; nor shall it be lawful for any such mender or menders to take or pull from any such bag or bale any cotton whatever, save and except such damaged cotton as the person or persons having such bags or bales in charge may direct him, her or them to pick out. And any person or persons offending against any of the provisions of this Section shall, for each offence, be subject to a penalty of fifty dollars.

Penalty.

SEC. 674. It shall not be lawful for any licensed packer, or any other person, to purchase any sample

or loose cotton from any person, other than a factor regularly engaged in the sale of cotton, in bales or original packages, or from a shipping merchant regularly engaged in the shipping of cotton, in bales or packages as aforesaid, and at their respective and customary place of business only, and from no other person or persons, or at any other place or places whatsoever, under a penalty of one hundred dollars for each and every offence.

Dec. 20, 1855, §1.
Not lawful for any person to purchase samples or loose cotton from any person other than a factor, and at his place of business.

Penalty.

SEC. 675. All fines, forfeitures and penalties incurred under the foregoing provisions, relating to cotton, shall go, one moiety to the use of the City, and the other moiety to the use of the informer, who shall prosecute the offender or offenders to conviction.

Sep. 4, 1855, §3.

Gunpowder.

SEC. 676. It shall not be lawful for any person or persons to carry gunpowder without a secure and proper covering, in any wagon, cart, dray or otherwise, through the streets, lanes or on the wharves of this city, and any person or persons so offending shall, for every such offence, be subject to a fine of fifty dollars, or imprisonment not exceeding thirty days.

June 13, 1815, §22.
How to be carried through City.

Penalty.

SEC. 677. It shall not be lawful for any person or persons to sell any gunpowder, which may at the time be within the City of Charleston, in any quantity, without having first obtained a license to keep and sell gunpowder, the said license to be issued by the Clerk of Council, who shall receive for the use of the city, from the person obtaining the license, the sum of one dollar for each license so issued, and every such license shall be in force for one year from the date thereof, unless previously annulled by the City Council, and no longer, and every person or persons offending herein shall, for the said offence, be subject to a fine of one hundred dollars, or imprisonment not exceeding thirty days.

Feb. 13, 1877.
Not lawful to sell without license.

Penalty.

April 28, 1846, §2.How gunpowder shall be kept.

SEC. 678. It shall not be lawful for any merchant, factor, retailer or dealer in gunpowder, or any person or persons whomsoever, to retain, have or keep in his, her or their possession, any quantity of gunpowder exceeding one pound in weight, unless the same shall be well secured in a tin canister or canisters, which said canisters shall be plainly marked or labeled on the outside thereof with the word "Gunpowder," and shall be deposited and kept on the right side of the principal door of the entrance to the store, shop or premises wherein the same may be, and any person or persons offending against any of the provisions of this Section shall, for every such offence, be subject to a fine of one hundred dollars, or imprisonment not exceeding thirty days.

June 13, 1815, §23.Ap. 28, 1846, §3.June 24, 1851, §2.No one permitted to keep over twenty-five pounds.

SEC. 679. No merchant, factor, retailer or dealer in gunpowder, or any person or persons whomsoever, within this city, shall retain, keep or have in his, her or their possession, at any one time, a greater quantity of gunpowder than twenty-five pounds weight, and, on information given to the Mayor, or the same coming by any means to his knowledge, of a greater quantity than twenty-five pounds weight, in the possession of, or within the enclosure or enclosures of any person or persons whomsoever, the Mayor is hereby required and directed to prosecute such person or persons so offending, in any Court of competent jurisdiction, when, on conviction of the same, the party shall be fined in the sum of one hundred dollars, or be imprisoned not exceeding thirty days.

Penalty.Feb. 20, 1872, §1.Gunpowder not to be stored in the City.Penalty.

SEC. 680. It shall not be lawful to establish or keep within the limits of the City any magazine, or place for the storage of gunpowder, nor to keep any gunpowder in any place within the said limits, excepting in small quantities, as herein provided, under a penalty or fine not exceeding five hundred dollars.

Inflammable Oils.

SEC. 681. Except as hereinafter provided, it shall not be lawful for any person, firm or corporation to store, or keep on storage, within the limits of the city after the 1st of January, 1904, more than 100 gallons of refined petroleum, or other inflammable oil, of not less than 110 degrees fire test, at any one time in any building, same to be kept in close metal tanks or vessels, and not to be drawn or handled by artificial light.

Aug. 11, 1903.

SEC. 682. Refined petroleum or other inflammable oils of not less than 110 degrees fire test, may be stored in cellars (when the buildings are not occupied as dwellings or sleeping apartments), in quantities not exceeding ten barrels, upon obtaining a certificate for such storage from the Chief of the Fire Department.

Unlawful to
store more than
ten barrels.

SEC. 683. Except as hereinafter provided, it shall not be lawful for any person, firm or corporation to store, or keep on storage, within the limits of the city, more than ten gallons of gasoline, benzine or naphtha at any one time, in any one building.

Not more than
ten gallons nap-
tha, etc.

SEC. 684. Gasoline, benzine or naphtha, in such quantities as may be recommended by the Chief of the Fire Department, and approved by the Mayor, and in no event to exceed 250 gallons above ground, and 1,200 gallons under ground, may be stored or kept on hand at any one time, in any one building, within the city: provided, the said building is 10 feet distant from any other frame building or any dwelling house: and, provided further, that the said gasoline, benzine or naphtha shall always be kept in a fire-proof enclosure, or vault, in which all openings are covered with metal shutters: and, provided further, that said gasoline, benzine or naphtha shall be kept in a drum or tank, or drums and tanks, used for that purpose, and no delivery of said gasoline,

Gasoline, ben-
zine, etc., how
stored.

benzine or naphtha shall be made at any time by artificial light, or, under any circumstances, after sundown of any day.

Petroleum, how stored.

SEC. 685. Refined petroleum, or other inflammable oil of not less than 110 degrees fire test, and not exceeding 700,000 gallons in amount, and gasoline, benzine and naphtha, not exceeding 25,000 gallons, may be stored in a tank or tanks, within the city limits, upon a certificate issued by the Chief of the Fire Department, showing that there has been a compliance with the restrictions herein set forth, namely, said tank or tanks, each and all of them, shall be properly ventilated, and shall be so located as to leave a clear space of not less than 300 feet between each and every tank and any building: provided, however, in the event of buildings being desired on the property of the storage plant, said tank or tanks, each and all of them, shall be located so as to leave a clear space of not less than 200 feet between said tank or group of tanks, and any building, or buildings, on the said land so used as a storage plant. And no building, or buildings, shall be erected on said storage premises until the plans for the same have been first submitted to the Chief of the Fire Department, and he, with the City Surveyor, shall have recommended the same to the Mayor, and the Mayor approved the said plans; then, and in that event, said building or buildings may be erected: provided, the same are located 200 feet from said tank or tanks, and so as to leave 100 feet of clear space between said building or buildings, and any adjoining property; and, provided further, that said tank or group of tanks shall be surrounded and enclosed by an embankment having a height of not less than 4 feet, nor more than 6 feet, which embankment shall be firmly and compactly built of good earth, from which stones, vegetable matter, etc., have been removed, and shall

have a crown of not less than 3 feet, and a slope of at least 2 to 1 on both sides, properly provided with steps, built of stone, concrete or brick, where it is necessary to pass over the said embankment; the reservoir, thus formed, to have a capacity of at least one and one-half times that of the tank or tanks, surrounded.

SEC. 686. Any person, firm or corporation may have a distributing plant within the city limits, wherein may be stored not more than twenty-five (25) empty barrels which have contained mineral oil, nor more than fifty (50) full barrels, and 16,000 gallons of refined petroleum oil of not less than 110 degrees fire test, for temporary use in distributing, in a tank or tanks of an aggregate capacity of not more than 16,000 gallons, and 8,000 gallons of gasoline, benzine or naphtha, in tank or tanks, placed underground; provided, however,

Distributing plants.

(a) That all such tanks, or group of tanks, not underground, shall be surrounded by an earth embankment, approved by the Chief of the Fire Department, which shall contain not less than one and one-half times the capacity of the said tank or tanks

(b) Provided, further, that the entire distributing plant, with all buildings thereon, shall be surrounded with fire walls of brick or stone, at least 12 inches thick, and at least 12 feet in height; all openings in such walls shall have their thresholds at least 24 inches above the level of the ground, within the inclosure. All structures in such enclosure shall be built of such materials as may be recommended by the Chief of the Fire Department, and approved by the Mayor.

SEC. 687. Any person, firm or corporation storing or distributing oil within the city, as permitted by Sections 685 and 686, is hereby required to keep a regularly employed watchman, or guard, from sunset until sunrise of the following day, on each and

To employ
watchman.

every night, stationed at or about the place of storage or distribution, whose duty it shall be to guard said premises and property thereon, and give alarm of danger therefrom in case of fire; the premises to be provided with such time-keeping apparatus, as shall be required by the Chief of the Fire Department, for the proper guarding of said premises.

Chief of Fire
Department to in-
spect once a
month.

SEC. 688. It shall be the duty of the Chief of the Fire Department to inspect regularly, at least once a month, all buildings in which refined petroleum or other inflammable oils are stored, as provided for in Section 685, and distributing plant, as provided in Section 686, such storage and distributing plant is hereby permitted, upon the express condition that the Chief of the Fire Department, or his assistants, shall have, at all times, free and unobstructed access to any portion of the premises for the purpose of inspection, and it shall be the duty of the Chief of the Fire Department to see that the provisions of this Ordinance are strictly carried out, and file a report thereof with the Mayor, at least once a month.

Inflammable
oils, etc., not to
be kept where
cotton is stored.

SEC. 689. Refined petroleum, or any other inflammable oil, when brought into the city, by land or water, shall not be kept on or in any lot, wharf or building where cotton is stored, nor shall it be kept or landed on any wharf, or in any place, or building, where naval stores or other produce or merchandise are stored, unless the same be received and removed therefrom between the hours of sunrise and sunset: it being understood that no refined petroleum, or other inflammable oil, be allowed to remain upon any of these premises at night. It shall be the duty of the Chief of the Fire Department, in conjunction with the Police Department, to enforce the provisions of this Section, and promptly report all violations thereof to the Mayor.

Penalty.

SEC. 690. Any person, firm or corporation violating any of the provisions of this sub-division shall

be subject to a fine of \$100 for each and every day such offence continues, recoverable in the City Court of Charleston, and be subject also to a revocation of such license.

SEC. 691. It shall be the duty of the Chief of the Fire Department, in conjunction with the City Surveyor, on January 1, 1904, to inspect the plant of any individual, firm or corporation in which inflammable oils shall be stored or distributed, and in case any plant is found within the city limits whose construction and location does not conform to this Ordinance, he shall report the same to Corporation Counsel, whose duty it shall be to bring such action, or actions, as may be necessary to enforce this Ordinance.

Chief of Fire
Department and
Surveyor to in-
spect.

SEC. 692. Any person, firm or corporation having a storage and distributing plant apart from each other, may lay pipes connecting same through the streets of the city, which may be necessary for this purpose: provided, permission may first be obtained of the Mayor, and the said pipes be laid in a manner which shall meet the approval of the Mayor and City Surveyor, and Chairman of the Committee on Streets.

To lay pipes
through streets.

Naval Stores.

SEC. 693. It shall not be lawful to store any naval stores, viz, pitch, tar, rosin, crude turpentine and spirits of turpentine in the City of Charleston, south of Line Street, except upon such wharf or wharves where cotton, hay or blades are not stored; provided, however, that such naval stores intended for shipment may be landed on any wharf or wharves there to remain until taken on board of vessel or vessels. Any person or persons violating any of the provisions of this Section shall be subject to a fine of two hundred dollars, or imprisonment not exceeding thirty days.

Not lawful to
store south of
Line Street, ex-
cept on wharves.

Proviso.

Penalty.

*Fire-Works, Crackers and Kites.*Nov. 20, 1866, §1.Shooting squibs, crackers, &c., prohibited.The firing of guns, pistols, &c., prohibited.Flying kites prohibited.Penalty.May 22, 1827, §1.Penalty for exhibiting fire-works without the permission of the Mayor.Nov. 27, 1888.Sling shots unlawful.Penalty.March 10, 1903.Unlawful to sell toy pistols.

SEC. 694. No person or persons shall fire any squibs, crackers or other fire-works within the City, except at times of public rejoicing, and at such times and places as the Mayor may, under his hand, permit, or shall burn any chips, shavings or other combustible matter in any street, lane, alley, or open or enclosed lot within the City (coopers excepted, who shall be permitted to make fires below the curtain line, with the consent of the proprietors of the lots, where they carry on their work respectively,) or shall fire any gun, pistol or other firearms within the limits of the City, unless it be on occasion of some military parade, and then by the order of some officer having the command; or shall raise or fly any kite, or other like paper, in any part of the City; under a penalty of ten dollars, or imprisonment not exceeding thirty days, for each and every such offence.

SEC. 695. Any person or persons exhibiting fire-works in any place of public amusement, or in any other place within the limits of the City, without permission under the hand of the Mayor, shall be subject to a fine of one hundred dollars, to be recovered in any Court of competent jurisdiction; one-half of which fine shall go to the informer, and the other half to the use of the City.

SEC. 696. No person or persons shall shoot any sling-shot, spring gun or other toys which shoot slugs, bullets, stones or other missiles within the City, under a penalty not exceeding ten dollars, or imprisonment not exceeding thirty days, for each and every offence.

SEC. 697. That it shall be unlawful for any person, firm or corporation in this city to sell, keep for sale, or offer for sale, or give away, any toy pistol in which caps or cartridges can be used, or any caps or cartridges for any such toy pistol.

SEC. 698. That every person, firm or corporation violating the provisions of Section 697 shall, upon conviction, be fined not exceeding \$50, or be imprisoned (in case of any individual), for a term not to exceed ten days.

Distilleries, Bakehouses, Tallow-Chandlers and Guano.

SEC. 699. It shall not be lawful for any person or persons within the limits of the City, to keep in his or their out-houses any still or stills, exceeding ten gallons, or erect any brew-house, or carry on any brewing.

SEC. 700. No more than six stills shall be allowed to be made use of, or erected in any of the distilleries before mentioned. And if any of the owners or proprietors of the aforesaid distilleries shall erect or employ any more than the aforesaid number of stills respectively limited as aforesaid, he, she or they shall forfeit and pay a sum of one hundred dollars for each and every information and conviction of having or keeping erected or employed, each and every such still. And it shall not be lawful for bakers of bread to carry on their trade within the City, unless their bakehouses shall be built and paved with brick or stone, covered with tile or slate, and their situations so remote, and attended with such security to the adjacent buildings as to be approved of by the Mayor or City Council, under the penalty of one hundred dollars for each and every offence.

SEC. 701. Any person or persons who shall carry on the trade or occupation of tallow-chandler and soap-boiler, or either of them, in any house or houses, shed, or other buildings within the City of Charleston, except in such house or houses as are built of brick or stone, and covered with slate or tile,

June 30, 1845.
§ 24.

Stills exceeding
ten gallons
and brew-houses
prohibited.

Ib., § 25.
Number of
stills allowed.

Bakehouses,
how to be con-
structed.

Ib., § 26.
Tallow chandlers
and soap-boilers.

and floored or paved with brick, stone or earth, and also have a license for carrying on such trade or occupation, in such house and street as therein described, shall be subject to a fine of not less than ten dollars, nor exceeding eighty dollars, for each and every such offence, to be recovered in any Court of competent jurisdiction, one-half to the informer, the other half to the use of the city.

Oct. 24, 1854, § 1.

Storage of guano.

Penalty.

SEC. 702. It shall not be lawful for any person or persons to store, or keep in store, or in mass, guano in any place within the City, in the vicinity of inhabited houses, without the knowledge and written consent of the inhabitants thereof; and any person or persons offending herein, shall pay a penalty of five hundred dollars for each and every offence, and an additional penalty of ten dollars for each and every day that the violation shall continue, after due notice, in writing, from the Mayor.

Junk Shops and Pawn Brokers.

Mar. 3, 1858, § 1.

Junk shops and pawn brokers to be licensed.

SEC. 703. The keeper or keepers of every junk shop or pawn broker's establishment, within the limits of the City of Charleston, where any kind of second-hand articles, junk, old metals, or other like commodities are purchased, sold, bartered, pledged or exchanged, shall obtain from the City Council a license to do so, and shall pay to the City Treasurer for said license such sums as the City Council shall, from time to time, determine, and such license (which shall continue for one year) shall not be transferred from one person to another without the consent of the City Council.

Ib., § 3.

Persons receiving license to put up a sign and keep a book open to the inspection of Mayor and Chief of Police.

SEC. 704. Every person receiving such a license shall put up over the principal entrance to his or her shop a sign, designating that he or she is licensed, and containing his or her name, and shall keep a book in which shall be written, at the time of

every purchase or barter, a description of the article or articles purchased or bartered for, the name and residence of the person or persons from whom received, and the day and hour when such purchase or exchange was made, and such book shall be at all times open to the inspection of the Mayor of the City, the Chief of Police, or any person duly authorized by them, or either of them, to inspect the same.

SEC. 705. Junk shops shall not be kept open for the purchase of any of the articles mentioned in Section 703, nor shall any purchase be made by the keeper or keepers of any such shops, or by any person or persons for them, except between sunrise and sunset. Pawnbrokers' establishments may be kept open from sunrise until 9 o'clock P. M., on every working day of the week, and said shops, that is, junk shops and pawnbrokers' establishments, shall be open at all times to the inspection of the Mayor of the City, the Chief of Police, or any person duly authorized by them, or either of them.

SEC. 706. No keeper of any such shop shall himself, or through any other person, either directly or indirectly, purchase or receive, by way of pledge or barter, or exchange, any of the articles mentioned aforesaid, from any minor or apprentice, without the written permission of the parent or guardian of any such minor or apprentice, which written permission shall be filed, and produced whenever required by any one authorized to inspect such shops.

SEC. 707. Every person having obtained a license, who shall violate any of the provisions of this Ordinance, relating to junk shops and pawn brokers, shall forfeit the same, and, upon conviction thereof, shall pay a fine of not less than ten dollars, nor more than fifty dollars, and every person keeping such a shop, and carrying on business therein, without having first obtained a license to do so,

Ib., § 4.
Feb. 26, 1896.

Shops not to be
kept open except
between sunrise
and sunset.

Subject to in-
spection of Mayor
and Chief of Po-
lice.

Ib., § 5.
Keepers of
shops not to trade
with minors and
apprentices.

Ib., § 6.
Penalties.

shall pay a fine of not less than fifty dollars, nor more than one hundred dollars, or be imprisoned not exceeding thirty days; all of which said fines shall be recovered in any Court of competent jurisdiction, and shall be disposed of as follows, viz.: One-half to the use of the person who shall prosecute the offender to conviction, and the remainder to the use of the City.

Nov. 26, 1895.

To make daily
reports to Chief
of Police.

SEC. 708. It is hereby made the duty of all pawn brokers doing business in the City of Charleston to make daily reports to the Chief of Police of the City of Charleston, and within twenty-four (24) hours from the reception of any pawn, or of all pawns deposited with them, giving the number of the ticket and such description of the personal property as will make its identification easy, and in case the pawn is of watches or other articles, having a number, the description shall state among other things, such number.

Nov. 26, 1895.

Penalty.

SEC. 709. That any pawn broker violating the provisions of the foregoing section or any of them, shall, on conviction before the Police Court of the City of Charleston, be subject to a fine not exceeding one hundred dollars, and imprisonment not to exceed thirty days, either or both, in the discretion of the Court.

CHAPTER XVI.

RAILROADS—STEAM ENGINES—STREET RAILWAYS.

Mar. 12, 1867, §1.

Petition to con-
struct railways in
City.

SEC. 710. Whenever any company or corporation shall desire to construct a railway for the conveyance of goods or passengers along any of the streets of this City, they shall be required to petition the corporate authorities for the privilege, stating the streets along which they desire to build such

road, and the points between which they desire to build the same.

SEC. 711. Whenever permission shall have been obtained the company or corporation shall proceed to lay the track along such parts of such streets as Council shall direct, complying with surveys, regulations and gradients that are now or hereafter may be adopted by the City; and shall use rails of the latest pattern, approved by the Committee on Streets and the Committee on Railroads, and so lay the same as to furnish no greater obstruction than is necessary to the free use and enjoyment of the streets; and the guage of said track or tracks shall be such as the company and corporate authorities may determine upon; and no cars shall be run upon said track or tracks until they have filed in the office of the Clerk of the City Council, a certificate from the City Surveyor that all of the Ordinances and regulations of Council have been complied with. The company shall build and keep in repair all bridges, turnouts, drains and other work of like nature which the track or tracks cross, paving or filling the tracks between the rails so as to conform to the remainder of the street, and at their own cost and expense, shall, as the street may be paved or filled, pave or fill and keep in good repair conformably to said street, three feet on each side of the track or tracks as may be and at such times as required by the City authorities. And it is hereby provided and ordained, that the foregoing requirements and regulations shall apply not only to roads hereafter to be built, but to all existing roads and to the extensions and repairs of same; and should any company or corporation violate any of the provisions of this section, the company violating the same shall be liable to a penalty, not exceeding fifty dollars for each and every day they shall be proven to have vio-

Oct. 10, 1893.

Must follow regulations prescribed by the authorities.

Must file certificate from City Engineer.

To keep in repair bridges, drains, &c., which tracks cross.

To pave or shell between the rails.

Penalty for non-compliance.

lated the same, after due notice given by the Superintendent of Streets or by the City Surveyor.

Sept. 12, 1893.
Feb. 13, 1894.

Hours when
cars shall run.

SEC. 712. It shall be the duty of each street railroad or railway company in this City to run its cars (except where otherwise provided in this section) from 6 A. M. till 11 P. M., on all its lines south of Line Street: *Provided, however*, that up to the hour of 10 P. M. the cars on all lines shall be run on the same schedule as during the day, and after that hour at no greater intervals than fifteen minutes; *and provided further*, that during the period extending from the first day of November to the thirtieth day of April, inclusive, the last car on each line may leave the upper terminus at 10 o'clock P. M. and the lower terminus at 10:35 o'clock P. M.

Sep. 12, 1893, §2.

Rates of fare.

SEC. 713. That it shall not be lawful for any street railroad or railway company in this City to charge more than five cents for one continuous ride, with ordinary hand baggage, on any of its cars; and where the said company operates lines through different streets, transfers, when requested, shall be given without extra charge, for which purpose, when possible, schedules shall be so arranged that the cars shall make connection at junctional points; that is to say, a passenger taking a car on any street railroad or railway, and desiring to reach a given point in any direction on one of the lines of said company, shall, without extra charge, be transferred to such car as may be necessary, and be given a transfer ticket and for the one fare be carried to the point to which he wishes to go: *Provided, however*, That passengers so transferred shall take the first car leaving after their arrival in the direction in which they wish to go: *Provided, further*, That this Section is not to be construed a round trip, but simply a single trip from one point to another by the shortest and most direct route.

One fare for
continuous trip.

Transfer tickets
shall be given.

Proviso.

SEC. 714. That the lines running north of Line

Street, although owned and operated by the same companies for the purpose of this sub-division, shall be treated as if owned and operated by other companies: *Provided*, they shall be required to run their cars after 7 o'clock P. M. at no greater intervals than thirty minutes, and that the last car shall leave the lower terminus at 11 o'clock P. M., but in all other respects they are subject to the provisions of this sub-division.

SEC. 715. That any company violating any of the provisions of this sub-division shall for each and every offence be liable to a penalty not exceeding \$50, to be recovered in any court of competent jurisdiction.

SEC. 716. Such company shall employ competent, careful, sober and prudent persons, who shall use all exertions to avoid collisions, giving due notice to the drivers of other vehicles and foot passengers, to prevent the same, and any infraction of this Section shall be punished by a fine not exceeding fifty dollars. This fine shall not exempt the company from the penalties and responsibilities of such violations or acts committed by the employees, conductors, or officials; and it shall be the duty of the drivers of all vehicles to leave the track on the approach of the cars at the first street intersection, provided there be not room for said vehicle or vehicles to turn to the right previous to reaching a street intersection, and in no way unnecessarily obstruct the progress of the cars; and any person violating any part of this Section shall be punished by a fine not exceeding fifty dollars or imprisonment not exceeding fifteen days.

SEC. 717. Every car on each road shall have the number of the car painted on each side, in such manner and place as may be plainly seen, and also carry at night a lamp in front and rear, and every car shall be fully and properly lighted inside, or the

Feb. 21, 1898.
Lines north of
Line street.

Penalties.

Ib., § 3.
Cars not to run
faster than six
miles per hour.

Penalty.

Vehicles not to
obstruct the track.

Penalty.

Ib., § 6.
Each car to
have number
painted on side
and carry a lamp
at night.

Penalty.

Ib., § 7.
Refusal or neglect to run cars for three months road may be rented.

If idle for twelve months City Council to sell.

July 13, 1897.

Disorderly conduct, etc., in cars prohibited.

Oct. 27, 1903.

Cars not to stop so as to obstruct intersecting streets.

Penalty.

Ib., § 10.
No privileges to interfere with fire department.

company owning said car be liable for failure to comply with the same to a penalty not exceeding fifty dollars.

SEC. 718. If any company shall refuse or neglect to run their cars, as herein provided, for a period of three months, then the corporate authorities of this City may rent the road, at public outcry, for account of the company, for a period of twelve months; and if the road be not rented, but shall be idle for a period of twelve months, then the said authorities may have the road taken up, the material sold to the highest bidder, and after deducting the expense of taking up the road, selling the same, and repairing the streets, the balance, if any, shall be paid to the legal representatives of said company.

SEC. 719. If any person shall smoke or spit in any car of any city railroad or otherwise in any way improperly conduct himself or herself, he or she shall be liable to ejectment from the car and to a fine not exceeding ten dollars, or imprisonment not exceeding ten days.

SEC. 720. It shall not be lawful for any person in charge of or conductor of any car on the city railroads to stop their cars so as to obstruct the street intersecting the line of the railroads, nor shall they obstruct the foot crossings of the street, for any longer time than is necessary for the landing and receiving of passengers; but it shall be their duty to go beyond the intersecting street, as far as the crossing, before stopping, except that when a car shall have so stopped, the motorman of the car coming in the opposite direction, before crossing the intersecting street, shall slow down and have the car under control, under a penalty not exceeding ten dollars or imprisonment not exceeding ten days for each offence.

SEC. 721. No privilege or authority herein granted shall be so construed as to interfere with

the operations of the Fire Department of the City; but, in all instances, in case of fire, the use of the streets where railroad tracks are laid, shall be subservient to the necessities of the Fire Department.

SEC. 722. The conductor and motorman of each car shall keep a vigilant watch of all vehicles, or persons on foot, especially children, either on the track or moving towards it, and on the first appearance of danger to such vehicles or persons, the car shall be stopped in the shortest time possible; and all foot passengers are hereby required to avoid obstructing the track, by their presence or otherwise. The conductor shall not, under any circumstances, allow ladies or children to leave or enter the car while the same is in motion, and shall when required stop to allow any one to leave the car; and when not full, to stop for any passenger giving the customary signal, if within a reasonable distance. And for the violation of any portion of this Section shall be liable to a fine not exceeding ten dollars.

SEC. 723. The corporate authorities reserve the right to amend or alter the foregoing Sections, whenever circumstances may require it; and the granting of the privilege to any company to construct a track through any street, is not exclusive; and the City authorities may grant the same right to other companies, through the same streets or thoroughfares, if they deem it advisable; and the provisions herein contained shall be binding on any company already in existence in the same manner as companies hereafter created.

Railroad Crossings.

SEC. 724. It shall not be lawful for any person or persons to cause the blowing of the whistle of a locomotive engine or of any steam plant within the limits of the City of Charleston.

Ib., § 11.
Duty of conductor and motorman of car.

Ib., § 12.
Penalty for neglect of duty.

Ib., § 12.
Power to alter or amend.

Right not exclusive.

March 12, 1901.
Unlawful to blow whistles in City.

Dec. 8, 1896.

Unlawful to obstruct streets.

Limit of speed in City.

A man with flag to be stationed at crossings.

Flagman to prevent vehicles and pedestrians crossing.

Penalty.

Penalty for attempting to cross tracks.

SEC. 725. It shall not be lawful for any railroad company to obstruct with engines or cars on its tracks the free passage of persons or vehicles through any street intersecting its line within the City limits for a longer period than five minutes, except between the hours of 6 P. M. and 12 P. M. from the 1st of September to the 1st of October, and between the hours of 8 P. M. and 2 A. M. from the 1st of April to the 1st of September, when ten minutes shall be allowed.

SEC. 726. It shall be unlawful for any railroad train to run at a speed exceeding four (4) miles an hour within the limits of the City of Charleston south of a line drawn from the Cooper River through Shepard Street to the Ashley River, except in territory not intersected by streets and it shall be the duty of every railroad company whose tracks run within the City limits (street railways not included) to have at the crossings of every lane, street or alley, except those not used by the public, across which its tracks may run, a man with a white flag during the daytime and a man with a red light during the night time in advance of the engine or train, whose duty it shall be to display said flag or light whenever a train may be approaching such streets, lanes or alleys.

SEC. 727. It shall be the duty of the flag-man to prevent the crossing of the railroad at which he may be stationed, by vehicles and pedestrians, when a locomotive or train may be crossing, or approaching such street, lane or alley.

SEC. 728. Any person or corporation that shall violate any of the provisions of Sections 724, 725, 726 and 727 shall, for each offence, be liable to a fine of fifty dollars or imprisonment not exceeding 30 days.

SEC. 729. Any person attempting to cross any railroad, after being warned by the flagman, shall be

liable to a fine not exceeding ten dollars or imprisonment not exceeding ten days.

SEC. 730. It shall be unlawful for any person or persons to get on or off the cars or locomotives of any railroad company while said cars or locomotives are in motion, within the corporate limits of the City of Charleston, under a penalty of not less than one dollar or more than twenty-five dollars, or to imprisonment not exceeding ten days: *Provided*, That this Section shall not be so construed as to apply to any person or persons employed by said railroad companies in moving or conducting said cars or locomotives. Any railroad company may, upon application to the Chief of Police, have proper persons appointed special policemen for the enforcement of the provisions of this Section, but shall receive no pay whatever from the City. The persons so appointed may be removed for cause by the Chief of Police. It is hereby made the duty of the police and detectives to enforce the provisions of this Section.

Dec. 8, 1885.

Unlawful to get off or on cars when in motion.

Proviso.

Steam-Engines.

SEC. 731. No steam-engine, or machinery impelled by steam, shall be erected or established within the limits of the City of Charleston, unless the building or buildings in which such steam-engine or machinery may be contained shall be constructed of brick or stone, and paved or floored in the story wherein the same may be placed, with some incombustible material, and the roof of such building be covered with tile, slate or metal, with the chimney of such height as in each instance may be satisfactory to the City Council; nor unless the erection and establishment of such steam-engine or machinery be approved of by the City Council, as hereinafter provided for.

Jan. 11, 1845.

No steam-engine to be erected unless in brick or stone buildings.

To be approved by City Council.

SEC. 732. Whenever any person or persons,

Ib., § 2.

Plans and specifications to be submitted to Council.

Committee to examine plan and site and report to Council.

March 27, 1888.

No other fuel than steam coal to be used in furnace of such steam-engine.

Penalty for using other fuel.

Not to apply to engines on Ashley and Cooper Rivers.

Penalty for erecting steam-engines contrary to the provisions of this sub-division.

body or bodies corporate or politic, shall desire to erect a steam-engine or machinery within the limits of the City, as aforesaid, he or they shall submit to the City Council the plan and specifications in detail of the proposed steam-engine or machinery; and it shall be the duty of the Committee on Steam-Engines to examine such plan, and the contemplated site, and report thereon to the City Council, who shall then determine upon the expediency of granting or refusing permission for the erection or establishment of such steam-engine or machinery.

SEC. 733. It shall not be lawful at any time or times to use or burn as fuel in the furnace of any steam-engine, or machinery, erected or established within the City, under the authority of this sub-division, or in any fire place constructed for the purpose of heating the boiler thereof, any material or substance other than coal, of the quality commonly called steam coal, and any person or persons, body or bodies corporate or politic, who shall hereafter use or burn as fuel in any furnace or in any fire place constructed for the purpose of heating the boiler of any steam engine or machinery, erected within the city under the authority of this sub-division, any material or substance other than steam coal, as before mentioned, shall be subject to a fine of one hundred dollars or imprisonment not exceeding ten days, for each day or part of a day fuel of any other material or substance than steam coal shall be so used or burned therein; *provided*, that nothing contained in this Section shall extend to steam engines or machinery already erected and established, or hereafter to be erected and established, at the edge of the waters of Ashley River or Cooper River.

SEC. 734. Any person or persons, body or bodies corporate or politic, who shall erect or establish any steam engine, or machinery impelled by steam, within the limits of the City, contrary to any of

the provisions of this sub-division, and without having previously obtained the consent and approbation of the City Council, as aforesaid, shall be subject to a penalty of one thousand dollars; and any person or persons, body or bodies corporate or politic, who shall use, employ or impel by steam, or work any such steam engine or machinery, erected or established, or to be erected or established, within the City, contrary to this sub-division, shall be subject to a penalty of one hundred dollars for each day or part of a day the same shall be used, employed, impelled by steam, or worked.

SEC. 735. The City Council shall appoint a committee from their own body, to examine at any and all times into the situation and condition of any steam engine, oil, gas, or electric engine, or machinery, with its appurtenances, erected under the authority of this sub-division or otherwise; and also the building or buildings in which the same may be established; and if such committee, after investigation, shall think such steam engine, oil, gas, or electric engine, or machinery, with its appurtenances or buildings, dangerous to the health or comfort of the neighborhood, or from liability to accident from fire or explosion arising from defects in the construction thereof, or otherwise, they shall report thereon to the City Council, who are hereby empowered and required to order the same, or any part thereof, to be pulled down, altered or removed, in such manner and within such reasonable time as Council may deem expedient. And in case the owner of such steam engine, oil, gas, or electric engine, or machinery, with its appurtenances, shall refuse or neglect to pull down, alter or remove the same, or such part thereof, in the manner and within the time specified in such notice, City Council shall cause their order thereon to be carried into effect at the expense of such owner, to be recovered in any

Council to appoint Committee to examine engines and buildings.

To report dangerous engines to Council.

Council to order removal of dangerous engines.

Penalties for re-fusal.

court of competent jurisdiction; and such owner shall further forfeit and pay a sum not exceeding one thousand (\$1,000) dollars for every such refusal or neglect; and likewise the sum of fifty (\$50) dollars for each day such steam engine, oil, gas, or electric engine, or machinery, shall be employed, impelled by steam, or otherwise, or worked after the expiration of such notice before such alteration, correction or removal shall be effected.

Council to appoint Committee to examine any engine already erected.

SEC. 736. The City Council shall appoint a committee to examine at any and all times into the situation and condition of any steam-engine or machinery, and their appurtenances, impelled by steam, and the buildings in which the same are contained, already erected and established within the City, and take such proceedings thereon, in every particular, as is authorized on the part of the City Council and its committee, in the next preceding section of this Ordinance; and all the penalties contained in that section shall be applicable and enforced against, and upon the owner of such steam-engine or machinery, with their appurtenances and buildings connected therewith, in the same manner and to the same extent as is provided in the said section..

Committee to order spark or steam arresters placed on smokestacks.

SEC. 737. That the Committee on Steam Engines be, and they are hereby, authorized and empowered to inspect any and all steam plants now and hereafter operating and doing business within the City limits, and wherever, in their judgment, any smokestack, chimney, pipe, or other receptacle for the escape of smoke or steam emits sparks or steam so as to be dangerous or a nuisance, then in such cases, they shall instruct the owner or owners of said plant to place proper spark or steam arresters on said smokestack, chimney, pipe or other receptacle for the escape of smoke or steam: *Provided*, that in the judgment of said committee it be not impracticable to adjust and use said spark or steam arresters.

Upon a refusal to comply with the instructions of said Committee on Steam Engines the owner or owners of such steam plant shall be notified in writing by the chairman of said Committee that, if said instructions are not obeyed and proper spark or steam arresters adjusted, as required by said written notice, within seven days from the date of service of such notice upon said owner or owners, he or they shall be fined fifty dollars, or suffer imprisonment for not less than thirty days.

Penalty for re-fusal to obey Committee.

CHAPTER XVII.

DISORDERLY BEHAVIOR AND HOUSES—DISORDERLY PERSONS—GAMBLING—SUNDAY.

SEC. 738. If any person or persons whomsoever shall molest, disturb, interfere with or interrupt any meeting of either of the Boards of Commissioners of the City Institutions or Departments, constituted or organized under the Ordinances now in force, or which may be hereafter passed, or shall assault, strike, menace, insult, molest, or abuse any of the members of either of the said Boards of Commissioners or Departments, during his or their attendance at any meeting of either of the said Boards of Commissioners or Departments, or while otherwise in the proper discharge of his duty as a Commissioner, such person or persons so offending shall each be subject to a fine of not less than twenty, or more than one hundred dollars, or imprisonment not exceeding ten days; and if the offender be an officer of the City, or a person holding or exercising any office, license, privilege, occupation or appointment, derived from or under the authority of the City Council, or under any Ordinance, and if the offence be com-

Aug. 15, 1844.
Unlawful to
disturb meetings
of Commissioners.

Penalty.

mitted against or during the sitting and in the presence of the Board of Commissioners, to which such person is responsible, accountable and amenable, or to the supervision of which he is subjected by and under the Ordinances, the said offender shall be subject to be suspended from such office, license, privilege, occupation or appointment, after a full hearing, by the votes of a majority of such Board, for a period not exceeding six months, and shall, during such suspension, forfeit all salary, emolument, fees and advantages attached to such office, appointment or license; and it is declared that the proceedings of such Board, in regard to such suspension, shall in no instance be delayed by the pending of any prosecution for the recovery of any penalty incurred under this section.

All clamorous
noises, either in
the day or at
night, unlawful.

Penalty.

Proviso.

Ap. 9, 1858, §1.

Indecent disorderly conduct,
drunkenness,
quarreling, fighting,
&c., unlawful.

SEC. 739. All clamorous crying of wares, singing, whooping, or other obstreporous, wanton and unnecessary noises, either in the day time or at night, calculated to disturb the peace and quiet of the City, whether in the public streets, or within enclosures, public or private, are prohibited, under a penalty not exceeding twenty-five dollars, or imprisonment not exceeding thirty days: *Provided, however,* That nothing in this section shall be construed to extend to such musical serenades as may be conducted with sobriety and decorum, or to decorous and decent dancing and singing at private houses, public assemblies, or at academies where persons are instructed in the arts of singing and dancing.

SEC. 740. If any person shall appear in a public place in a state of nudity, or in a dress not becoming his or her sex, or shall make any indecent exposure of his or her person, or be guilty of any disorderly, lewd, or indecent conduct, cursing and swearing, clamorous noises, drunkenness, quarreling, fighting, scurrilous, obscene, indecent, or pro-

fane writing, pictures, marks or figures, on any walls, fences, houses or structures, or shall print, engrave, make, exhibit, sell, or offer to sell, any indecent or lewd book, picture or any other thing, or shall throw from any house or window, water, offal or other matter, upon the sidewalks, shall be subject to a fine not exceeding one hundred dollars, or imprisonment not exceeding thirty days.

Water, &c., not
to be thrown up-
on sidewalk.

Penalty.

SEC. 741. It shall not be lawful for any person or persons to interrupt or disturb any audience who may be assembled in any place or places of amusement within the city, by any noise or loud talking, indecent behavior, or other annoyance, which may in any manner interfere with good order and decorum. And every person so offending, upon conviction, shall be subject to a penalty of not less than five nor more than twenty dollars, for each and every offence, or imprisonment not exceeding ten days. And every person so offending may be apprehended by any sheriff, constable, or police officer who may be present.

Feb. 27, 1855, § 1.
Unlawful to
disturb audiences
at places of pub-
lic amusement.

Penalty.

SEC. 742. It shall not be lawful for any huckster, vendor or other person to cry fish, shrimp, vegetables or other commodities in the streets of Charleston for sale before 6 o'clock in the morning or after 9 o'clock at night: *Provided, however,* That on Saturday nights the said parties shall be allowed to cry their wares until 10 o'clock. And any person offending against this Section shall, for each and every offence, be subject to a penalty not exceeding five dollars, or to imprisonment not exceeding five days.

Oct. 23, 1888.
Street cries not
lawful before 6
A. M. or after 9
P. M.

Penalty.

Disorderly Houses.

SEC. 743. Any person who is the keeper or inmate of a house of ill-fame, or who is the keeper of a house or place used for any lewd, obscene, or in-

July 11, 1893.
Disorderly
houses defined.

decent purpose, or who is the keeper of a house of assignation used for any such purpose, or who keeps an indecent and disorderly house by which the peace, comfort and decency of a neighborhood are habitually disturbed, shall be deemed guilty of a misdemeanor. This section shall be construed to apply to any part or parts of a house used for any of the purposes herein specified. And every person violating this section, or any portion thereof, upon conviction of such violation in any court of competent jurisdiction, shall be subject to a fine of not less than twenty dollars nor more than eighty dollars, or to imprisonment not exceeding one month for each and every offence. And it is hereby made the duty of the Chief of Police, under the instruction of the Mayor, to enforce the provisions of this section, upon any complaint made to him by reputable citizens residing or owning property in the neighborhood of the premises involved.

Keeper guilty of a misdemeanor.

Penalty.

Upon complaint, Chief of Police to act.

Ib., § 2.
Duty of the police.

Duty of the Recorder.

SEC. 744. In all cases of dancing, riots, noise and disturbance, at such disorderly house or houses, place or places, or any other place, it shall be the duty of the commanding officer at the police station, or any other commissioned Police officer to repair forthwith to the spot, and commit to the police station, for examination the next morning, the keeper or keepers of such disorderly house or houses, place or places, and the persons in any wise concerned in such dancing, riot, noise or disturbance. And it shall be the duty of the Recorder to take the examination of the person or persons so committed, as well of the accusers, and upon satisfactory evidence, either to discharge the parties accused or cause them to enter into recognizance in such sum as he may think fit conditioned for their appearance before the Police Court or any other court of competent jurisdiction to be selected by the said Recorder, to answer to the charges alleged

against them. And the Recorder is hereby authorized to bind over such witnesses as he may deem fit, to appear, prosecute or give evidence at the trial of said offenders.

SEC. 745. The recognizances so taken shall be turned over for prosecution to the court so designated by the said Recorder, and such person or persons found guilty of such riotous or disorderly conduct shall be fined not exceeding one hundred dollars, or be imprisoned not exceeding thirty days.

SEC. 746. Any person detected in officiating as a musician at such dance or dances, as aforesaid, shall, on conviction be fined not less than fifty or more than one hundred dollars, or be imprisoned not exceeding thirty days, in the discretion of the court.

Ib., § 3.

Recognizance to
be handed over
for prosecution.

Penalty.

Ib., § 5.

Penalty for of-
ficiating as a mu-
sician.

Disorderly Persons.

SEC. 747. The following are hereby declared to be disorderly persons:

Sept. 7, 1895.
Disorderly per-
sons defined.
Idlers.

1. A person who, not having any visible means to maintain himself, lives without employment.

Drunkards.

2. A person who, being a habitual drunkard, abandons, neglects, or refuses to aid in the support of his family.

3. A common prostitute, who has no lawful employment whereby to maintain himself or herself.

Prostitutes.

4. Any person wandering about and begging, or who goes about from door to door, or places himself or herself in the streets, highways, passages, or other public places, to beg or receive alms.

Beggars.

5. Any person, wandering about and lodging in taverns, groceries, ale houses, watch or station houses, out-houses, market places, sheds, stables, barns, or uninhabited houses, or buildings or box cars, or in the open air, and not giving a good account of himself or herself.

Tramps.

Offenders to be arrested.

SEC. 748. Every person so offending may be arrested by any sheriff, constable, or police officer, and upon conviction in any court of competent jurisdiction shall be subject to a fine not exceeding one hundred dollars, or imprisonment not exceeding thirty days for each and every offence, in the discretion of the court.

July 19, 1886.

Pool selling unlawful.

SEC. 749. It shall be unlawful to bet in or sell a pool or pools within the limits of the City of Charleston upon any horse race, boat race, foot race, base ball or other game, under a penalty not exceeding \$100, or imprisonment not exceeding thirty days, for each and every offence.

May 31, 1894.

Gambling houses.

SEC. 750. No person or persons whomsoever shall open, keep or maintain any gaming house in any building within the corporate limits of the City, or suffer or permit any description of gaming or playing any game of chance or skill for money, goods, chattels or other things whatever; nor shall it be lawful for anyone to participate or engage in any device of gaming whatever in any building, street, lane, alley, court, park, lot or public way within the City of Charleston. Any person or persons violating this section or any portion thereof, upon conviction shall be subject to a fine of not less than fifty dollars, nor more than eighty dollars, or to imprisonment not exceeding thirty days for each and every offence.

Gaming.

Penalty.

May 8, 1900.

Lotteries.

SEC. 751. If any person or persons shall publicly or privately erect, set up or expose, to be played, drawn or thrown at, or shall cause to be erected, set up or exposed to be played, drawn or thrown at, any lottery or anything whatsoever in the nature of a lottery or game of chance for money or any stakes whatsoever, either by dice, cards, lots, balls, numbers, figures or tickets, or who shall make, write, print or publish, or shall cause to be made, written, printed or published, any scheme or proposal for any

of the purposes aforesaid, or whoever shall sell or offer for sale any tickets, whether written, printed or otherwise, or plan by which a game of chance may be engaged in for money or any other goods whatsoever, shall, upon conviction of any portion of this section, be subject to a fine of not less than fifty dollars nor more than ninety-nine dollars, or to imprisonment not exceeding thirty days for each and every offence; one-half of which said fine, if the same be paid, shall be paid to the informer, and the remainder into the City Treasury for the use of the City. That all lottery wheels, wheels of fortune and all things whatsoever used or employed in the conduct of any such lottery or games of chance, are hereby declared forfeited and shall be publicly broken to pieces and destroyed.

*Sale of Lottery
tickets unlawful.*

Penalty.

SEC. 752. Any person or persons who shall accompany any band of music, parade, procession of any kind, or any street show, form of advertisement, or sight or amusement, through the public streets of the City of Charleston, such person or persons not being part of or directly connected with the same, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of not more than ten nor less than one dollar, or imprisonment for not more than ten nor less than one day.

April 10, 1900.
*Unlawful to
follows bands, pa-
rades, etc.*

Penalty.

SEC. 753. No person or persons whomsoever shall open, keep or maintain any house, part of a house, or out house or room in any house or building within the corporate limits of the City, wherein or whereat any party or parties are allowed to resort for the purpose of using or are permitted to use opium or cocaine in any form whatsoever.

Dec. 31, 1901.
*Unlawful to
sell opium.*

No person or persons whomsoever shall sell opium, cocaine or any similar preparation except as a regularly licensed druggist, and in such case only when directed to do so by and under the authority of a prescription of some duly licensed physician.

Penalty.

Any person or persons violating this section or any portion thereof, upon conviction, shall be subject to a fine of not less than fifty dollars, nor more than eighty dollars, or to imprisonment not exceeding thirty days.

Feb. 13, 1900.

Unlawful to spit upon sidewalks.

SEC. 754. That it shall not be lawful for any person or persons to spit on or upon the sidewalks of the City of Charleston. And every person so offending, upon conviction, shall forfeit and pay the sum of not less than one dollar or more than five dollars, or be imprisoned for not less than five nor more than ten days in jail, for each and every offence.

Nov. 11, 1902.

Unlawful to trespass or use City property.

SEC. 755. That it shall be unlawful for any or all persons, firms or corporations, by themselves or their agents or servants, to hereafter wilfully injure, or illegally trespass upon or make use of, any public property of any kind whatsoever belonging to, or in the possession and care of the City of Charleston;

Penalty.

And anyone so offending shall, upon trial and conviction, be punishable for each and every offence by imprisonment not exceeding thirty days, or by a fine of not over one hundred dollars, or both, in the discretion of the judge of court trying the same.

Sunday.

May 2, 1801.

No work or business to be done on Sunday.

SEC. 756. No tradesman, laborer or other person whomsoever shall do or exercise any worldly labor, business, or work of their ordinary callings, on the Lord's day (work of necessity, charity, and the necessary occasions of the family excepted), and every person of the age of fifteen years and upwards so offending shall, for every such offence, be subject to a fine not exceeding twenty dollars or imprisonment not exceeding ten days.

Penalty.

Aug. 9, 1892.

No goods, except drugs, milk and ice to be sold on Sunday.

SEC. 757. No person or persons whomsoever shall publicly expose for sale, or sell in any shop, warehouse or otherwise any goods, wares or mer-

chandise whatsoever, upon the Lord's Day, excepting drugs and medicines, milk and ice; and every person so offending shall, for every such offence, be liable to be fined in any sum not exceeding twenty dollars, or imprisonment not exceeding ten days; *provided, however,* that it may be lawful for the proprietors thereof to open ice cream gardens or ice cream shops, soda water fountains, fruit shops, tobacco and cigar shops on Sundays, after the hour of 12 M., and to sell ice cream, soda water, fruit, tobacco and cigars therein, and bread may be sold in bakeries up to the hour of 10 o'clock A. M.

SEC. 758. No sports, pastimes, public exercises or exhibitions, or games whatsoever, shall be allowed on the Lord's Day; and every person so offending shall, for every such offence, be subject to a fine not exceeding twenty dollars or imprisonment not exceeding ten days.

SEC. 759. If any person or persons, whomsoever, shall disturb any congregation of people, lawfully assembled at any church or public place of worship, to perform divine service; or shall at any time cause any riot or disturbance in any of the churches or public places of worship, of any sect or religion within this City, he, she or they shall, for every such offence, be liable to be fined in any sum not exceeding twenty dollars, or imprisonment not exceeding ten days.

SEC. 760. It shall not be lawful, on Sunday to or for any person or persons riding on horseback or driving any carriage or carriages whatever, to ride or to drive faster than a walk when passing by any church or public place of worship, while divine service is performed and kept in the same. And every person riding faster than a walk, as aforesaid, shall, for each and every such offence, be subject to a fine not exceeding five dollars, or imprisonment not exceeding ten days; and every person driving

Exception.

No sports, etc.,
to be allowed.Penalty for dis-
turbing congrega-
tions.Unlawful to
ride or drive fast-
er than a walk,
when passing
places of worship
on Sunday.

Penalty.

faster than a walk, as aforesaid, shall, for each and every such offence, be subject to a fine not exceeding ten dollars or imprisonment not exceeding ten days.

Ib., § 2.

Police to stop horses on Sunday ridden or driven faster than a walk past churches.

To arrest persons refusing to desist, and to detain horses and carriages.

Horses and carriages to be delivered to their owners if applied for. If not, to be sent to a livery stable.

Ib., § 3.

Police to be stationed before churches.

SEC. 761. It shall and may be lawful for any person or persons whomsoever, and it shall be the particular duty of the police, and of every member thereof, to stop any horse or horses, and any carriage or carriages which shall or may be respectively ridden or driven faster than a walk, whilst passing by any church or public place of worship on Sunday, during the performance of divine service in the same; and, (if the person or persons riding or driving faster than a walk, should not immediately desist,) to conduct each and every of them to the Police Station, and likewise to detain the horse or horses, and the carriage or carriages. And every person so brought to the Police Station, shall again be set at liberty, upon being duly recognized, so as to secure his prosecution before a competent court, unless such person shall previously pay the aforesaid fine of five dollars for riding faster than a walk, or the aforesaid fine of ten dollars for driving faster than a walk, as the case may be, to the commanding officer of the Police Station. And all horses and carriages, detained as aforesaid, shall be delivered up to their respective owners, if applied for within an hour after their detention; and if not applied for within that time, they shall be sent by the commanding officer of the Police Station to the next livery stable, there to be kept until the expenses of their keeping be defrayed by the respective owners.

SEC. 762. The Mayor of the City shall have power and authority to order one or more men of the police force to stand in front of any church or public place of worship during divine service on Sunday; whose duty it shall be then and there to prevent, in the manner aforesaid, all riders and

drivers of carriages from passing by the same faster than on a walk; also, to cause all carriages of any description whatever to be drawn up and arranged in such manner and form, not obstructing the free passage of any street, as shall be regulated by the vestry or elders of every congregation, at whose place of worship such sentinel or sentinels shall be stationed; and to take up all disturbers of divine service at or near any such place of worship, to be dealt with according to law.

SEC. 763. It shall not be lawful to open or keep open any bar room or liquor saloon, or any room or place for the sale of wine, malt, or spirituous liquors, within the limits of the City on Sunday; and the owner or keeper of any such room, saloon or place so opened or kept open in violation of the provisions of this section, shall be liable to a penalty of twenty dollars, or imprisonment not exceeding ten days for each offence.

Feb. 19, 1856, § 1.
Jan. 19, 1858, § 1.

Unlawful to
keep open bar-
rooms on Sunday.

Penalty.

CHAPTER XVIII.

City Officers—Official Bonds—City Surveyor and Assistant City Surveyor—Clerk of Council—Mayor's Secretary and Custodian of the City Hall.

City Officers.

SEC. 764. The regular time for the election of such City officers as are annually or biennially or quadriannually elected by City Council shall be the second Tuesday in January or the first meeting of Council thereafter, except as herein otherwise provided; and it shall be the duty of the Clerk of Council, ten days before such time, to give notice in one or more newspapers of the City of the officers to be elected, and the time on which such election shall take place.

Oct. 8, 1805, § 1.
Oct. 28, 1853, § 1.
May 11, 1897.

Time for the
annual election of
City officers.

Ib., § 2.Vacancies.Oct. 13, 1806, § 9.Officers of public institutions to be annually elected.May 9, 1808, § 1.Power of Commissioners to discharge their officers.Proviso.Oct. 13, 1806, § 10.Vacancies, how filled.Ib., § 11. by
Elections by
Commissioners to be approved by Council.

SEC. 765. In case of vacancy in any of the offices of the City, either by death, resignation, or removal, public notice of an election to fill the vacancy shall be given as aforesaid; and the person or persons so elected shall hold their office or offices for the balance of the term.

SEC. 766. All persons employed in the public institutions and departments of the City, whose election is delegated to the Commissioners thereof, respectively, shall be annually elected by such Commissioners.

SEC. 767. The Commissioners of each and every institution appointed by the City Council, or the Mayor, and to whom power is given to appoint officers under them, are authorized and empowered to remove all such officers, whensoever they may think proper: *Provided, always,* That such removals from office shall be previously sanctioned by a vote of the City Council.

SEC. 768. Whenever any person employed in any public institution or department of the City resigns or dies, or is removed from office, a new election shall be held within a fortnight afterward, (unless otherwise ordered by the City Council,) ten days' previous notice thereof having been given in a City paper, to fill the vacancy during the unexpired term, for which such office or employment had been conferred on the person so retiring, dying or removed.

SEC. 769. All and every election of a person or persons, employed in any of the public institutions or departments of the City, whose election is committed to the respective commissioners thereof shall be subject to the approbation of the City Council; to which end the chairman of every Board of Commissioners shall, immediately after such an election hath been held, give to the City Council official notice of the same, and of the person or per-

sons who shall have been elected. And if the City Council should not approve of any person elected by the Commissioners aforesaid, it shall be the duty of such Commissioners to fill the vacancy thereby occasioned, by a new election of another person, within the time and in the manner above prescribed, and submit every such new election to the City Council for their approbation.

SEC. 770. If the City Council should at any time, dispense with the appointment of Commissioners of any public institution or department of the City; or if any Board of Commissioners should refuse to accept of their appointment, or should resign before the expiration of the term for which they were appointed, the Aldermen of the City, or a committee of their body, shall perform all the functions and exercise all the powers appertaining to such Commissioners, until a new Board shall be appointed by the City Council.

SEC. 771. Every City officer who is not entitled to any fee, emolument, commission, or perquisite, by virtue of any Ordinance, who shall charge or take any fee, emolument, commission, or perquisite whatever, for any act or service done in his official capacity; and every City officer who shall charge or take any fee, emolument, commission or perquisite, higher than what he is entitled to, shall, on conviction thereof, be dismissed from his office, for such malpractice and want of good behavior.

SEC. 772. The persons employed in the Orphan House, Alms House, and City Hospital, shall, in addition to their salaries be entitled to such rations for their subsistence, and to such other emoluments for their services, as the respective Commissioners of the said public institutions may think proper to allow them respectively, subject always, nevertheless, to the control of the City Council.

SEC. 773. The City Council shall, at all times,

Ib., § 13.

If Commissioners should not be elected, or should resign, Aldermen shall perform the duties.

Ib., § 16.

Penalty on City
for taking ille-
gal fees.

Ib., § 18.

Rations to be
allowed officers of
certain institu-
tions.

Ib., § 19.

Council empowered to alter salaries, and to prescribe additional duties.

have a right to alter the salaries, compensations, emoluments and perquisites of all City officers, and any or either of them, as to them may seem fit and expedient, except the salary of the Recorder; and also, to prescribe to the City officers, and any of them, such other and additional duties and regulations as they may think proper in regard to their respective offices. And so shall likewise the Commissioners of the Public Institutions and Departments of the City be authorized and empowered to prescribe, from time to time, to the persons employed by and under them, respectively, such other and additional duties and regulations as to the said Commissioners may appear suitable and meet. That all changes in the salaries of the City officers made by this Ordinance shall take effect on the first day of January, 1904.

Oct. 10, 1826, § 15.

City officers to be residents of the City.

SEC. 774. All City officers hereafter to be elected by the City Council, shall be residents of the City of Charleston, during the period for which they, or either of them, have been elected; and no City officer shall be permitted to leave the City for a longer period than one week, without first obtaining the permission of the Mayor or Council, on pain of forfeiting his or their office or offices. And in case any officer shall leave the City, as aforesaid, without permission, the Council shall proceed to the election of another officer or officers, to supply the vacancy hereby declared.

Ib., § 16.

All officers subject to removal.

SEC. 775. Each and every City officer, elected by the City Council of Charleston, shall be subject, at any time, to be removed from office by Council, for such causes as to them shall seem sufficient, after a full hearing of the case.

Oct. 26, 1840, § 8.

Officers forbidden to take contracts.

SEC. 776. No person holding an office under the City Council, or under any of the Boards of Commissioners appointed by Council, shall be the contractor for, or undertake any building, work, or

repairs to be executed by Council or any of the said Boards, under penalty of the forfeiture of the said office, to be vacated by order of Council..

SEC. 777. It shall and may be lawful for any of the Boards elected by City Council, if in their judgment it is best so to do, to elect one of their number to serve as Secretary and Treasurer or Secretary or Treasurer and to pay such officer so elected for his services; *Provided, however,*, That in such case the said officer shall not vote as a member of said Board on any question in which he or his office may be interested.

Feb. 12, 1895.
Board may elect
one of its mem-
bers as Secretary
and Treasurer.

Proviso.

Official Bonds.

SEC. 778. Every applicant for an office or employment, either in the gift of the City Council, or of the commissioners of any of the public institutions or departments of the City, shall mention in his letter of application his surety, or sureties, if such be required; and shall, within a fortnight after being elected, give his bond, with such surety or sureties, and in such a sum as shall be approved of, and demanded by, the City Council, or by the respective Commissioners, by whom he hath been elected as aforesaid.

Oct. 13, 1806, §12.
Applicants for
City offices to
name sureties.

Bond to be giv-
en.

SEC. 779. All bonds required of City officers shall be drawn payable to the City Council of Charleston, and conditioned for the faithful performance of all the duties of the respective officers, as they are now, or hereafter may be, defined and set forth by the Ordinances of the City now in force, or which may be hereafter passed; and also, that the said officers, respectively, shall pay all fines and forfeitures which may, during their term of office, be imposed on such officer by vote of the City Council, or any of the Boards of Commissioners or departments under whose appointment such person may

Jan. 11, 1845, §2.
Conditions of
official bonds.

hold his office, for neglect or default of any of the duties prescribed, or to be prescribed by the City Ordinances; and, further, that such officer shall well and truly account to the City Council, whenever required, for all property and moneys belonging to the City, or any of the Boards or Departments under the City Council, which shall or may come into his hands by virtue of his office; and the bond of the Clerk of the City Court shall contain the further condition, that the Clerk shall and will well and truly perform the duties of his office, as now or hereafter required by law, during the whole period he may continue in office.

March 27, 1900.
Oct. 10, 1826, §7.

Bonds to be
approved by
Council.

Upon failure of
any person to
give bond, his
office declared va-
cant.

27 March, 1900.

How Bonds are
to be examined.

SEC. 780. All and every bond or bonds, with the respective securities required to be given by any Ordinance, shall, before they are accepted or received, be referred to the Committee on Official Bonds, who shall examine the same and report to Council; the said bonds when approved and executed shall be recorded in the office of the Register of Mesne Conveyance for Charleston county, and if any person elected to any office shall fail to provide and perfect the security required of him, respectively, within the time required by this Ordinance, the office of such defaulting officer shall be, and the same is hereby, declared to be vacant, and the City Council shall proceed to another election to fill the vacancy at such time as they may deem proper.

SEC. 781. The bonds hereafter to be given for the faithful performance of the duties of the City officers shall be examined by the Mayor of the City, together with the Committee on Official Bonds, for the time being, at such times as they may appoint; but not less than twice in each and every year. If any of the securities on either of the aforesaid officers' bonds should die or depart permanently from the State, or if the Mayor and the Committee aforesaid should, at the time of their examination,

or at any other time, be of the opinion that either of the said securities is not worth as much, clear of debt, as the proportion of the obligation to which his name is affixed, to which security would be liable, if all the other parties to the said bond were perfectly sufficient and solvent, they, the Mayor and the Committee aforesaid, shall cause the said City officer to be notified of such exception; and the said officer shall, within thirty days after the service of such notification, procure other security satisfactory to the City Council, for such as have departed the State or died, (but shall not cancel or impair the original bond,) or produce satisfactory evidence to the City Council that the security objected to as insolvent is worth as much clear of debt, as the said obligation, according to the provision aforesaid; or else the said City officer shall procure such additional and sufficient security and securities as the said City Council shall approve, and in default of compliance with either of the said requisitions within the said thirty days the office of the said defaulting City officer shall be regarded as vacant.

Provision in
the event of the
death or insolv-
ency of securities.

Provided, That nothing in this section contained shall be deemed, taken, or construed to render the bond or bonds required to be given by this Ordinance otherwise than joint and several, and the parties thereto liable thereon, jointly and severally, for the whole amount of the said bond or bonds.

Bonds to be
joint and several.

SEC. 782. It shall be the duty of the head of each department of the City, the Chairman of each of the public Boards, and City officers in charge of special duties, at the close of each calendar year, to make, in addition to the reports required by this Ordinance, an annual report in writing to the Mayor, not later than the tenth day of January of each year, of the transactions or business of the preceding year.

Heads of de-
partments to
make annual re-
ports.

Sept. 12, 1893.
Election.

Duties.

City Surveyor and Assistant City Surveyor.

SEC. 783. The City Council shall, on the second Tuesday of January, 1894, and forever thereafter, on the same day in every fourth year, elect a competent, scientific person, skilled in engineering, architecture and surveying, to be styled the City Surveyor, and a competent person, similarly skilled, to be styled the Assistant City Surveyor, and whose duty it shall be to assist the City Surveyor in the performance of his several duties.

SEC. 784. It shall be the duty of the City Surveyor to do all civil engineering required by the City Council in the prosecution of all works of public improvement of this character referred to him; and to do such other surveying required by this Ordinance, or as may be needed, for public street, public lands, and for the mode and direction of both public and private drainage, upon the application for such services by the Mayor, the Superintendent of Streets, or the respective committees of those departments, or the citizens. And all public works referred to this department shall be paid for upon the certificate of the City Surveyor, approved by the Mayor and Chairman of Committee in whose department such work may have been done.

Nov. 25, 1902.

Duties continued.

SEC. 785. The City Surveyor, or, under his direction, the Assistant City Surveyor, shall furnish to the Superintendent of Streets, at his request, the plans, levels, elevations and grades of all sidewalks and street paving, and of all drains, pipes for gas, water or sewerage, or plans of any other public work in charge of the street department, including the tracks for railways; and it shall be the duty of the City Surveyor to inspect the work during its progress, reporting to the Superintendent of Streets any deviations from the plans, elevations or grades as given by him, or by the Assistant City Surveyor;

but should such deviation be not promptly corrected, the City Surveyor shall report that fact in writing to the Mayor. It shall also be the duty of the City Surveyor, whenever new streets are laid out, or when any of the present streets are extended, or when required to give street lines at the intersection of streets, to place or to have placed, a stone block, or a mark of some other durable material, at each intersection of streets, to be so placed as not to project above the surface of the roadway and on the true point of intersection. That a record shall be kept by the City Surveyor of each point so marked. It shall also be the duty of the City Surveyor to have the care of and keep in repair all signs now erected or which may hereafter be erected, throughout the City of Charleston, designating the names of the various streets.

SEC. 786. The City Surveyor shall be furnished by the City with suitable instruments, and an office properly furnished, either in the City Hall or some other convenient location, which shall be kept open during the usual business hours. He shall keep carefully, as City property, all maps, plats, profiles, drawings, estimates, books, instruments, and other things appertaining to his office; and shall also keep therein, in convenient forms, copies of all papers and communications made by him to any department or office in the City.

SEC. 787. The City Surveyor shall receive a salary of eighteen hundred dollars per annum, payable monthly; the Assistant City Surveyor shall receive a salary of one thousand dollars per annum, payable monthly, which salaries shall be in full payment of all salaries, fees and emoluments whatsoever, and the said compensation shall also be in full payment for any services which may be rendered by them, or either of them, in locating and fixing the grades and levels for gas, water, sewerage or other

June 12, 1871.
Office and instruments.

Records.

Sept. 12, 1893.
March 5, 1895.
Salaries.

pipes or for tracks for railways in or on the streets of the City, or for any other public work.

June 13, 1871,
§ 10.
Bond.

SEC. 788. The City Surveyor and Assistant City Surveyor, before acting as such, shall each, respectively, give bond and surety, to be approved by Council in the penal sum of two thousand dollars, conditioned for the faithful performance of the duties of his office; and that he is not, and will not, whilst in office, be directly or indirectly concerned or interested in any City contract.

May 19, 1857.

The level of
the street to be
ascertained before
cutting down the
surface of the
lot.

SEC. 789. It shall not be lawful for any person to excavate, cut down, or reduce the surface or level of any lot or lots, within the limits of the City, before he shall have applied to the City Surveyor, who in conference with the Mayor, shall ascertain and fix the proper level of the street, lane, alley, or court upon which such lot bounds, touches, or adjoins, and give a certificate thereof to the party applying.

Ib., § 2.

Penalty for cut-
ting down the
surface of any
lot before ascer-
taining the level
of the street.

SEC. 790. If any person shall excavate, cut down or reduce the level or surface of any lot or lots within the limits of the City, without having first made application to the City Surveyor, as aforesaid, or before the level of the street, lane, alley or court, shall have been ascertained and fixed by the City Surveyor, as aforesaid, or below the proper level of the street, lane, alley, or court, as ascertained and fixed by the City Surveyor, as aforesaid, he or she shall for every such offence be subject to a penalty not exceeding five hundred dollars, or imprisonment not exceeding thirty days.

Aug. 15, 1844.

No building,
&c., to be com-
menced before the
line of street has
been laid off.

SEC. 791. No owner or builder of any house or other structure in the City shall dig or lay the foundation thereof in front of any street, lane, alley or court, or shall erect any wall or fence fronting as aforesaid, before he shall have applied to the City Surveyor or Assistant City Surveyor, who shall lay off and mark out the true front line or boundary of such street, lane, alley or court, and give a cer-

tificate thereof to the owner or builder, who shall file the same in the office of the City Assessor before any permit be issued for its erection.

SEC. 792. If any person shall commence any foundation, building, wall, or fence, upon any lot or piece of ground, adjoining the line of any street, lane, alley, or court, within the City, not having made application to the City Surveyor or Assistant City Surveyor, and before the line of the street shall have been laid off and marked out by the City Surveyor or Assistant City Surveyor, in the manner above directed, or contrary to the line so laid off and marked out, every such person, as well as employer as master-builder, shall, for every such offence, be subject to a fine not exceeding five hundred dollars, to be recovered by action in any court having competent jurisdiction; and, moreover, all buildings and work done, or put up without such application to the City Surveyor or Assistant City Surveyor, or contrary to the line of the street which shall be laid off and marked out by him, shall be demolished by order of the City Council, at the charge and expense of the person herein offending as aforesaid.

Penalty for
commencing build-
ing, &c., before
the line of street
has been laid off.

Clerk of Council.

SEC. 793. It shall be the duty of the Clerk of Council to keep the journal of Council, and to copy the same fair, and make an index thereto; and engross, for ratification, all Ordinances passed; and shall furnish the several offices of the City, and all other persons as he shall be directed by the City Council, with transcripts of all such resolves and Ordinances, or parts thereof, as may be necessary for their guidance or information; and he shall attend all the meetings of Council; and shall receive and deliver all petitions, memorials, informations, or applications that may be made.

Oct. 30, 1787.
Duty of the
Clerk.

Office hours.

SEC. 794. The Clerk of the City Council shall open his office at the Council Chamber, every day, at 9 o'clock A. M., and personally attend there, until 3 o'clock P. M., (Sundays and general holidays excepted,) in order to transact such business as shall or may appertain to his office; he shall also open the Council Chamber for any member of the City Council, whenever he or they wish to resort thereto, and shall shut it again, after they retire.

Clerk pro tempore.

SEC. 795. In case of the unavoidable absence or sickness of the Clerk the Mayor shall appoint a Clerk pro tempore, who, during such appointment, shall perform all duties of the Clerk.

Salary.

SEC. 796. The pay of the Clerk of Council shall be at the rate of eighteen hundred dollars per annum, payable monthly, and he shall be entitled to no fees of any service performed by him.

May 11, 1897.**Election of Clerk of Council and bond.**

SEC. 797. That the Clerk of Council shall be elected on the third Tuesday in November, 1906, and on the same day in every fourth year thereafter; and he shall give bond to the City Council of Charleston in the penal sum of two thousand dollars, conditioned for the faithful performance of his duties.

Mayor's Secretary and Custodian of the City Hall.

Election.

SEC. 798. The City Council shall, on the second Tuesday in January, A. D. 1905, and on the second Tuesday in January in every fourth year thereafter, elect a fit and proper person to perform the duties of Secretary to the Mayor, and who shall also be custodian of the City Hall.

March 26, 1895.**To have charge of City Hall.**

SEC. 799. The Mayor's Secretary and Custodian of the City Hall shall take charge of the City Hall and shall attend in person daily (Sundays excepted), at the City Hall, in the Mayor's office, from the hours of 9 A. M. to 3 P. M., and also be

in readiness at all other times promptly to obey all instructions, and render such services as may be required by the Mayor of the city. And it shall, moreover, be required of said officer, to keep a servant in attendance at the City Hall, for the purpose of keeping the same always clean and in good order, which said servant shall also act as janitor of the City Hall, and shall be amenable to and governed by such rules and regulations as may from time to time be adopted by the committee in charge of the City Hall and approved by City Council.

SEC. 800. It shall be the duty of the custodian of the City Hall at all times to have the City Hall kept clean; he shall cause the several officers of the city, located in the City Hall, to keep their respective offices in good order.

SEC. 801. The custodian of the City Hall is authorized and required to take into custody, or inform against, any person or persons who shall break any of the doors or windows, deface the pillars, wainscoating, or walls, by cutting or carving thereupon, break or injure the steps, staircase, balustrades, or balusters, or shall injure, damage, deface or dirty any part of the inside or outside of the City Hall of Charleston, or the outbuilding or cistern attached thereto, or shall force open any of the doors, windows or grates, or climb on or over the balustrade or railing, or shall refuse or neglect (on being required by the custodian), to go out of the same, when detected in violating any part of this section; or insult or molest or obstruct the custodian of the City Hall in the execution of his duty, and every such person or persons so offending shall, on conviction, be subject to a fine not exceeding one hundred dollars, or be liable to imprisonment not exceeding thirty days; the one-half of the fine to the informer and the other moiety to the use and benefit of the city. And the offender or offenders

June 26, 1818, §2.

Duties.

Authorized to
take into custody
any one injuring
City Hall.

Penalty.

committing any riot or quarrel in said building, or the lot or square attached to the same, or which shall or may be attached thereto, shall also be liable to be prosecuted therefor under the laws of the State of South Carolina.

Feb. 12, 1896.

Salary.

SEC. 802. The Mayor's Secretary and Custodian of the City Hall shall receive as a compensation for his services an annual salary of twelve hundred dollars, payable monthly.

CHAPTER XIX.

PARK COMMISSIONERS—PARKS AND PLEASURE GROUNDS.

THE BATTERY—WHITE POINT GARDEN—COLONIAL COMMON—WASHINGTON SQUARE—MARION SQUARE—WRAGG MALL.

Park Commissioners.

Ap. 9, 1895, §1.

Board established.

SEC. 803. That a Board of Park Commissioners for the City of Charleston be and is hereby established, of which Board the Mayor shall be a member.

Composition.

SEC. 804. That the said Board shall be composed of the Mayor, as aforesaid, and nine citizens, to be nominated by the Mayor and confirmed by City Council, who shall serve without compensation for the term of four years from the date of their confirmation and until their successors shall have been nominated and confirmed. All vacancies in the said Board from death, resignation, removal from the City, or other causes, shall be filled in like manner as the original appointments.

Term of office.

Vacancies, how filled.

Duties.

SEC. 805. That the said Board shall take charge and have the entire management, control and regu-

lation of all pleasure grounds, squares and parks belonging to the City Council of Charleston, whether situate within or without the limits of the said City, subject, however, to all City Ordinances relating thereto, and is hereby vested with power and authority to lay out such pleasure grounds and parks with avenues, walks and paths, and to make such other improvements and embellishments therein as they may deem proper: *Provided, however,* That nothing herein contained shall be construed to apply to Colonial Common and Ashley River Embankment or to Marion Square.

Proviso.

SEC. 806. That no contracts or engagements for the improvement, management or regulation of the said pleasure grounds and parks shall be made until the City Council shall have so directed, or shall have made an appropriation for park purposes, and the said board shall make an annual report to the City Council of all moneys which shall have been received and disbursed.

Contracts, how made.

SEC. 807. That the said board are hereby especially authorized, empowered and directed to take charge of and control of all lands situated within or without the city limits which have been or may be purchased by the City Council for park purposes, upon the acceptance of titles by the proper authorities; and may construct roadways and approaches to said lands out of any moneys which may be appropriated for the uses of the said board.

To take charge of the property.

Battery—White Point Garden.

SEC. 808. No fishing or other boat or boats shall be allowed to make fast, or moor with their fasts, to that part of East Bay Street, called the Battery, and no fisherman or any person or persons whomsoever shall be permitted to land from their boat or boats on the Battery, or to embark from it on a fish-

May 22, 1827, § 1.

Fishing boats
not to be made
fast to Battery.

Fishing nets
not to be hung
upon railing of
Battery.

July 30, 1838, §8.

Indecent and
disorderly con-
duct punished.

Not lawful to
secure any vessel
to railings at
White Point Gar-
den.

Dec. 13, 1838, §1.

Horses or mules
not to be allowed
in White Point
Garden.

ing or any other expedition, or to load their boat or boats from the Battery with fishing utensils, or any other articles; and no fish or any articles of sale shall be exposed or offered for sale at any time on the Battery; and no fishing net or nets, seine or seines, shall at any time be hung upon the railing of the Battery, or any other part of it, under a penalty of ten dollars.

SEC. 809. Any violation of the rules and regulations of the Board of Park Commissioners, and all indecent and disorderly conduct, cursing and swearing, clamorous noises, drunkenness, quarreling, fighting or profanity, committed within any of the parks, or on any lands designated for park purposes, or on either of the Batteries, shall be punished in the same manner as the same offences are now directed by law to be punished when committed in any other portion of the city.

SEC. 810. It shall not be lawful for any person or persons to secure or moor with their fasts any vessel, boat or raft, to any part of the railing at White Point, constructed by the City Council, leading from that part of East Bay called the Battery to South Bay street, or to land thereon from any boat, vessel or raft, any boards, lumber, or other material; and if any person or persons shall violate or transgress any of the provisions contained in this section, such person or persons shall be subject to a fine of fifty dollars, to be recovered in any court of competent jurisdiction, one-half of which penalty shall go to the informer, or imprisonment not exceeding ten days.

SEC. 811. No person or persons shall ride, lead, or drive any horse or horses, mule or mules, within the enclosure of the White Point Garden, under a penalty of five dollars for every such offence, to be recovered in any court of competent jurisdiction, the amount of the fine to be given to the informer,

and the owner or owners of any horse or horses, mule or mules, found within the enclosure of the said garden, shall be liable to the above penalty.

SEC. 812. No person or persons shall lead or drive any cow or cows, hog or hogs, within the enclosure of the White Point Garden, under a penalty of five dollars fine or ten days in jail for every such offence, to be recovered in any court of competent jurisdiction, the amount of the fine to be given to the informer; and the owner or owners of any cow or cows, hog or hogs, found within the enclosure of the said garden shall be liable to the above penalty.

SEC. 813. It shall not be lawful for any persons, company or companies organization or organizations, to use that portion of the South Battery known as White Point Garden, for public proceedings, celebrations or festivities of any kind whatsoever, and if any person or persons shall violate any of the provisions contained in this section, such person or persons shall be subject to a fine not exceeding fifty dollars or be imprisoned for a term not exceeding thirty days.

SEC. 814. It shall not be lawful for any person or persons to carry or smoke any lighted cigar or pipe, or cigarette, on East Battery or White Point Garden, between the hours of five and eight P. M. from the first day of May to the first day of October, and between the hours of four and seven P. M. from the first day of October to the first day of May. Any person violating the provisions of this section shall pay a penalty of five dollars, or be imprisoned for ten days.

Ib., § 2.

Not to lead or
drive cows or
hogs within Gar-
den.

March 22, 1881.

Not to be used
for celebrations,
&c.

Not lawful to
smoke on the
Battery.

Penalty.

Colonial Common.

SEC. 815. That, Whereas, by an Act of the Governor and Council and the Commons, House of Assembly of the then Royal Province of South Caro-

Aug. 9, 1881.

Preamble.

lina, entitled "An Act to appoint and authorize Commissioners to cut a Canal from the upper end of Broad Street into Ashley River, and to reserve the vacant marsh on each side of said Canal, (now Broad Street,) for the use of a Common for Charles Town, and for other purposes," it was enacted by the fifth section thereof: "That all the vacant marsh land lying on each side of said Canal, (now, Broad Street,) hereby directed to be made on the East side of Ashley River, within the limits of Charles Town, shall forever hereafter be reserved and kept for the use of a Common for Charles Town; and any grant that may be made or obtained for the same or any part thereof, is hereby declared to be absolutely null and void;"

And, whereas, the Court of Common Pleas for Charleston County did, with the consent of City Council, on the fifth day of July, 1881, make and enter of record a decree, which is in words following:

THE STATE OF SOUTH CAROLINA, } *In the Com-*
CHARLESTON COUNTY. } *mon Pleas.*

Thomas O'Brien, George Buist, E. L. Kerrison, A. H. Hayden, A. B. Mulligan, R. H. McDowell, Jr., Ed. T. McDowell, J. H. Lopez, H. H. De Leon, J. H. Colburn, J. H. Schulte and James B. Campbell, Plaintiffs, *against* The City Council of Charleston and Patrick P. Toale, Defendants.

DECREE.

On hearing the pleadings and arguments of counsel in this cause it is, therefore, adjudged and decreed as follows:

1. That all the remaining marsh lands dedicated by the Colonial Government in 1768 as a Common, which have not been already sold by the City Coun-

cil of Charleston, shall forever hereafter be and be held, used and kept as and for a Common for the use of the people of Charleston.

2. That the City Council of Charleston shall provide for the appointment of a Board of Commissioners, who shall have the care and administration of said Common and of all funds to be expended upon its improvement.

3. That the account prayed for from the City Council of Charleston shall extend only to the rents received for the premises, and shall go no further back than the date of the lease by the City Council to P. P. Toale, referred to in the pleadings, that is to say, the twenty-second day of April, 1875; said rents and all further rents henceforth to be applied to the improvement and beautifying of said Common and the paths and the walks around it, and also to the extension of Lynch or Rutledge Street, or both, to Tradd Street; and also to the re-purchase, if that be possible, of the space between Rutledge Street extended and Broad and Tradd Streets, in the hope that at some future day Lynch Street may be extended to the West end of South Bay, and thus an agreeable drive or boulevard opened from the Battery through the whole length of the West side of the City to its most Northern limits.

4. That any of the parties to this cause have leave to apply at any time hereafter for any further order at the foot of this decree.

That nothing herein contained shall be so construed as to interfere with or affect in anywise the rights of any of the lessees of any of the lands which are the subject of this suit.

J. B. KERSHAW,

July 5, 1881. *Presiding Judge.*

I consent under a resolution of the City Council.

G. D. BRYAN,

Attorney.

Ib., § 1.Appointment of Board.

SEC. 816. That, in pursuance of the above recited decree, a Board of Commissioners to be known as Commissioners of "The Colonial Common and Ashley River Embankment" is hereby constituted, to consist of the Mayor, *ex-officio*, and ten citizens to be appointed by nomination of the Mayor and confirmed by City Council. All vacancies therein shall be filled in like manner.

Ib., § 2.Duty of Board.

SEC. 817. It shall be the duty of said Board to carry into effect the above recited decree, and to have the care and administration of said Colonial Common and Ashley River Embankment, and of all funds to be expended upon its improvement.

Ib., § 3.Organization of Board.

SEC. 818. Said Board shall organize by appointing one of its members as Chairman and another as Secretary, and shall keep in writing regular minutes of their proceedings, and shall report annually, or oftener, if required by City Council, their acts and doings, and shall have power to make all proper by-laws necessary or convenient for conducting their business and advancing the purposes of their creation.

Washington Square.

Oct. 25, 1881.Washington Square.

SEC 819. That from and after the tenth of October, 1881, the Centennial of the surrender at Yorktown, the public square in the City of Charleston bounded by Broad, Meeting and Chalmers Streets, shall be known as "Washington Square."

Marion Square.

Oct. 24, 1882.Square named.

SEC. 820. That the grounds bounded on the North by the buildings of the South Carolina Military Academy, East on Meeting Street, South on Calhoun Street, and West on the Central Police Station and King Street, now held in trust by the City Council of Charleston and the Board of Field

Officers of the Fourth Brigade South Carolina Volunteer troops for the use of the said Fourth Brigade as a parade ground, and for the citizens of Charleston as a public mall shall be hereafter known as Marion Square.

SEC. 821. That the management and control of said Square be and is hereby vested in a Board of Seven Commissioners, three of whom shall be elected by the City Council of Charleston, three by the Board of Field Officers of the Fourth Brigade South Carolina Volunteer Troops, and the Superintendent of the South Carolina Military Academy shall be *ex-officio* a member of said Board. Board created.

SEC. 822. That the said Board shall have power to make all such rules and regulations as may be necessary for their own government, and for the use, improvement and preservation of the said Square: *Provided, however,* That such rules and regulations shall be approved by the City Council of Charleston and the said Board of Field Officers. Powers of Board.

SEC. 823. That the Board hereby appointed shall have the management and expenditure of all moneys which may be appropriated for the improvement and preservation of the said Square, and shall annually, or oftener if required by the City Council of Charleston, report their actings and doings to the said City Council and Board of Field Officers, with a statement of all moneys received and expended by them. Duties.

Wragg Mall.

SEC. 824. Whereas, certain public grounds in the Northeastern section of the City known as Wraggboro' are not as well described and designated as should be, and as these pleasure grounds have been given for the comfort and convenience of the people of Charleston by the late Mr. Samuel Preamble.

Mall defined.

Wragg, and should be forever preserved in his name for the use of the people of this City.

That the pleasure grounds in Ward 7, bounded by Meeting Street on the west, Wragg Street on the north, Elizabeth Street on the east, and Ann Street on the south, shall be known as "Wragg Mall."

NAMES OF STREETS CHANGED.

April 23, 1901.

Name of Friend Street changed to Legare Street.

Dec. 30, 1901

W a y s . a n d
Means to renum-
ber houses in
City.

Feb. 14, 1902.

To change
names of certain
Streets.

SEC. 825. That the name of Friend Street be changed to Legare Street, and the houses and lots thereon renumbered as a continuation of the said Legare Street.

SEC. 826. That the Committee on Ways and Means be, and they are hereby authorized and empowered to renumber the houses of the City of Charleston on the centigrade plan, diverging from a common centre, namely: The corner of King and Calhoun Streets, and that hereafter all streets below Calhoun Street running north and south, shall have the word "south" affixed to their present name, and all streets north of Calhoun Street running north and south, shall have the word "north" affixed to their present name, and all streets east of King Street running east and west, shall have the word "east" affixed to their present names, and all streets west of King Street running east and west, shall have the word "west" affixed to their present names.

SEC. 827. That the following changes in the names of the streets in the City of Charleston be, and they are hereby made:

College Street changed to Glebe Street.

Middle Street changed to Alexander Street.

Laurel Street changed to Ashe Street.
Sires Street changed to St. Philip Street.
Mount Street and Jackson Street changed to
Sumter Street.
Romney Court changed to Romney Street.
Hope Place changed to Race Street.
First Street changed to Williman Street.
Second Street changed to Isabella Street.

DISPENSARY.

SEC. 828. It shall not be lawful for any person or persons, firm, association or corporation to manufacture, sell, dispense, barter or exchange, receipt or accept, for unlawful use, resale, delivery or storing and keeping in possession, within the corporate limits of the City of Charleston, any spirituous, malt, vinous, fermented, brewed (whether lager or rice beer) or other liquors, by whatever name known, containing alcohol, and which are used as a beverage, save and except in strict accordance with all the provisions, limitations and restrictions of the Acts of the General Assembly of South Carolina, known as the Dispensary Law.

Sept. 10, 1901.
Unlawful to sell
liquors, etc.

SEC. 829. That any and all violations of any of the provisions of Section 829 shall be cognizable by and punishable in the Recorder's Court of the said City, and any such violation shall, upon conviction, be punished by a fine of not less than twenty-five dollars, or more than one hundred dollars, or by imprisonment for not more than thirty days for each and every offence.

CHAPTER XX.

Miscellaneous.

Nov. 11, 1902.

Commercial Club
of Charleston to
construct veran-
das in front of
their House in
Meeting Street.

Title of this
Ordinance.

May 8, 1900.
Where fine is
only penalty
named. Court
may fix imprison-
ment as alterna-
tive to such fine.

General repeal-
ing clause.

SEC. 830. That the Commercial Club of Charleston be and the same is hereby authorized and permitted to place and construct verandas in the front of their proposed club house on the west side of Meeting Street, now known as Nos. 93, 95, 97 and 99, and for such purposes to extend the same over the sidewalk in Meeting street in front of said proposed club house.

Provided, That said verandas shall be constructed in such manner and according to such plans as may be approved by the city surveyor and the Mayor, so as not to interfere with the public use of the said sidewalk.

SEC. 831. This Ordinance shall be designated and known as the Revised Ordinances of the City of Charleston.

SEC. 832. Whenever in any section of these general ordinances the only penalty is a fine not exceeding one hundred dollars, it shall and may be lawful for the court or justice trying the case to impose, as the alternative of such fine, imprisonment in jail for a period not exceeding thirty days, with or without hard labor, in the discretion of the court.

SEC. 833. All Ordinances and parts of Ordinances the provisions whereof are re-ordained in this Ordinance, or which are inconsistent with or repugnant to this Ordinance, are hereby repealed.

Ratified in City Council this eighth day of December, in the year of our Lord one thousand nine hundred and three, and in the one hundred and twenty-eighth year of the American Independence.

J. ADGER SMYTH.
Mayor.

Attest:

W. W. SIMONS.
Clerk of Council.



APPENDIX.

FRANCHISE GRANTING RIGHT OF WAY FOR CHARLESTON CITY RAILWAY COMPANY TO LAY ITS TRACKS THROUGH CERTAIN STREETS IN THE CITY OF CHARLESTON,—ADOPTED BY CITY COUN- CIL ON MARCH 23, 1897.

Alderman Gadsden presented the following report of the joint committee on streets and railroads:

Charleston, S. C., March 23, 1897.

To the Honorable Mayor and Aldermen of the City of Charleston: The joint committee on streets and railroads, to whom was referred the petition of the Charleston City Railway Company, of Charleston, S. C., respectfully report that they recommend that the petitioner be granted a right of way for its railway through the several streets herein-after enumerated, subject to the following terms and conditions, that is to say:

I. The Charleston City Railway Company is hereby granted the right and authority and, if it accepts the same, is hereby required to operate its said road by electrical power.

2. That the said Charleston City Railway Company be and is hereby granted the right of way and required to operate its lines through the following streets, to wit: On King, from Battery to Line street; on Line, from King to Meeting; on Meeting street, from the Battery to city boundary; on Church, from Battery to Broad; on East Bay, from Broad to Calhoun; on Calhoun, from East Bay to Alexander; on Alexander, from Calhoun to Chapel; on Chapel, from Alexander to Drake; on

Right of way
through certain
streets.

Drake, from Chapel to Columbus; on Columbus, from Drake to Meeting, through the Mall; on Broad, from East Bay to Rutledge avenue; on Rutledge Avenue from Broad to Spring; on Spring, from Rutledge avenue to King street; on Calhoun street, from Rutledge avenue to Meeting street; on Charlotte, from Meeting to Alexander; on Chapel, from Drake to Bay; on Bay, from Chapel to Atlantic Coast Line tracks; on Wentworth, from Meeting to Rutledge avenue; from East Bay through Cumberland street to Central wharf; from East Bay, through Queen, to Clyde Steamship wharf: Provided, that the said company shall continue to operate all the lines now in operation on the aforesaid streets by horse power until electrical power be substituted therefor, and that such substitution shall take place within one year from the date hereof.

Franchise granted also to additional streets.

To be operated by electricity.

And the said company is hereby granted the right and franchise to construct its railway on the following additional streets, that is to say, on Poinsett street, from King to Meeting; on King street, from Line to the city boundary; on Coming, from Shepard to Wentworth; on Market, from King to the Mount Pleasant and Sullivan's Island Ferry Company wharf, using South Market street east of Meeting; on Cannon street, from Rutledge avenue through Chinquapin and Spring, to the New Bridge: Provided, however, that the grant and franchise in these streets mentioned in this second clause of this paragraph is upon the condition that the said company shall construct and operate its said electric railway therein within one year from the date of this grant; where, however, any of said streets are now operated by horse power the Charleston City Railway Company shall be, and is hereby, allowed one year from the date of this grant to decide whether they will put electric tracks through said streets in place of the horse power tracks now

therein, and during such time is allowed and required to operate the same by horse power; and it is expressly provided that a failure to equip and operate its said electric railway in any of said streets within the one year aforesaid shall forfeit the grant and franchise herein given for the use of the particular street or streets in which said company has failed within the year to put in its electrical equipment.

And in such forfeited streets the said company shall immediately tear up and move its railway tracks and restore the streets to their usual and proper condition.

And it is further provided that if the said Charleston City Railway Company shall elect to abandon the road upon any of the routes heretofore granted to the Charleston City Railway Company, to the Enterprise Railroad Company, or to the Charleston Street Railway Company, which are not granted in this paragraph to the Charleston City Railway Company, it is hereby authorized and empowered so to do, and the Charleston City Railway Company is hereby authorized to abandon all portions of the routes upon which the said Charleston City Railway Company, or the Enterprise Railroad Company or the Charleston Street Railway Company now operate or have the right to operate a street railroad, except upon the streets and routes covered by this section, and the said Charleston City Railway Company is hereby required to take up and remove all tracks within such abandoned streets and restore the same to their usual and natural conditions within one year from the date of this grant.

3. There shall be only one track on Line street from Meeting to King street, on Church street from Battery to Atlantic street, on King street from Battery to Calhoun street, on East Bay from Cordes to Cumberland street, and from East Bay to Clyde Steamship wharf and the Central wharf, on South Market street from King to the Mount Pleasant and

Right to abandon certain routes.

Trackage regulations in certain streets.

Sullivan's Island Ferry Company. In all other streets the Charleston City Railway Company shall have the right to lay double tracks: Provided, however, that on the streets where single tracks are to be laid the Charleston City Railway Company, under the supervision and direction of the committee on streets, shall have the right to put in all proper and necessary turnouts and switches: And, provided, further, that the location of all tracks in the streets are to be under the supervision and subject to the approval of the committee on streets.

Right of way
granted from bound-
ary to Chicora
Park.

4. Subject to the condition hereinafter stated in this paragraph the right of way or permission is granted to the said company from the city boundary through such streets or rights of way as may hereafter be required by the City Council of Charleston to Chicora Park, on Cooper River: Provided, however, that the said Charleston City Railway Company, on the completion by the city of the said roadway to said park, shall extend their electric railroad to said park, and operate the same under such regulations as City Council or the park commissioners may, from time to time, ordain or adopt. (except as to fare beyond the city boundary) and if said electric railway be not extended and in operation to said park within six months after the completion of said proposed roadway to said park, then the right of way and grant to said roadway shall revert to the park commissioners of the City of Charleston; *and provided further*, that the said Charleston City Railway Company may proceed with the construction of their said electric railway over said roadway to said park as said roadway may be in the progress of construction, subject, however, in all cases, to the supervision and direction of the city surveyor and of the park commissioners.

Expense of re-
paving to be borne
by company.

5. That the expense of moving any existing track, supplying and placing filling required and repaving in any street shall be borne by the Charleston

City Railway Company, and the new location of the same shall be first submitted to and approved by the city authorities, as hereinbefore provided.

6. The tracks shall be of standard guage, four feet eight and one-half inches (4 feet, $8\frac{1}{2}$ inches.)

Guage of Tracks.

7. The rail to be used shall be of the variety known as grooved or semi-grooved patent girder rail in all paved streets, and T rail not exceeding four and one-half ($4\frac{1}{2}$) inches in height in unpaved streets: *Provided, however,* that grooved or semi-grooved patent girder rail shall be substituted from time to time hereafter when such streets are paved. All rail shall be of suitable section, not less than sixty (60) pounds to the yard, and laid upon cross-ties to give a good, substantial road-bed; the tracks to be maintained in good and substantial manner, so as to abate as far as possible, any hindrance to public travel; at all intersections of streets crossings shall be maintained of suitable material subject to the approval of superintendent of streets; the roadbed at all times to correspond to the actual grade of the streets and to be so laid and maintained that carriages and other vehicles can easily and freely cross said track at any and all points: *Provided,* that when the streets are not graded or paved the tracks shall be so laid as to conform to the surface of the streets; but when such streets are hereafter, from time to time, paved or improved the tracks shall conform to the improved or adopted grade.

Rail to be used

Crossings to be
approved by Su-
perintendent of
Streets.

8. The Charleston City Railway Company shall at all times indemnify and save harmless the City Council of Charleston all suits, actions, claims, demands, damages brought or recovered by any person or persons, company, firm, corporation or corporations, or any liability for or by reason of the grant of the right of way and franchise hereby granted or by reason of the use, occupation or operation of the said railroad through said streets.

Railway compa-
ny to save city
harmless from any
suits, etc.

9. The City Council of Charleston, under the ex-

City Council to regulate the operation of railroad company if it so elects.

ercise of its police powers, reserves to itself the right from time to time to regulate the operation of the said railroad through its streets as the good order of the city and the safety and comfort of its citizens demand; to control the improvements and repair of the streets, each and every one of them, and every part thereof, over which said railroad track or tracks pass, to the same extent as if this grant and franchise to use the same had not been given—and generally from time to time, to make such additional rules and regulations for the management and operation of the said railroad in the streets aforesaid as it may deem proper, including herein the right to require changes of location of the said tracks in said streets, as future exigencies in the opinion of the City Council may require.

The city not liable for breakage of pipes, etc.

10. The City Council of Charleston shall not be liable to the said Charleston City Railway Company, its successors or assigns for any damages occasioned by the breaking of any gas, sewer pipes or drains, or for any delays caused by the construction of water or gas mains or sewer pipes or drains, or the necessary repairs of any street, or by any other public work. Where the work is being done by private parties or by a contractor for public works, the said Charleston City Railway Company is authorized to require that the contractor making such repairs or doing such work shall complete it with all possible dispatch, so as not to interfere with the operation of said road any more than is absolutely necessary, and that said contractor shall give good and sufficient bond to said Charleston City Railway Company to replace said tracks and pavements in as good condition as the adjoining roadbed is maintained by the city authorities.

Railroad company to keep space between tracks and three feet on each side in repair.

11. The Charleston City Railway Company shall at all times keep the space between the tracks and for three feet outside in good repair, so as to conform to the condition of the balance of the streets upon which

the road runs; and in case any streets now unpaved shall hereafter be paved, the said company shall bear the expense of the paving between their tracks, and three feet on either side thereof—and, generally, except where otherwise provided for in this grant, shall observe and obey the regulations, enactments and provisions contained in the General Ordinances of the City of Charleston, with reference to street railroads, and the ordinances to be hereafter ordained, amending the same.

12. The Charleston City Railway Company, its associates and assigns, (except when cars are chartered for a special purpose,) shall in no case charge or collect from any passenger more than five cents for one continuous ride, with ordinary hand baggage, between any two points within the city limits, said continuous ride to include transfers at junctional points: *Provided*, the passenger so transferred shall take the first car leaving after his or her arrival in the direction in which he or she wishes to go. This section is not to be construed a round trip, but is simply a single trip from one point to another by the shortest and most direct route: *Provided*, that in no case shall said petitioner, its associates and assigns charge or collect from any child under the age of 10 and over the age of 2 years more than three cents a trip, and shall carry children under 2 years of age, when accompanied by adults and not occupying seats, free of charge.

Rate of Fare.

13. The cars upon said railway shall be run upon the following conditions, to wit:

(A) As to hours as provided in Section 712 of the General Ordinances.

Rate of speed.

(B) Cars may be run at a speed not exceeding fifteen (15) miles an hour south of Line street, except on King street, on which street, south of Line street, the maximum speed shall be six miles an

hour, and all cars shall be provided with fenders approved by the committee on streets.

(C) While cars are turning corners from one street to another, they shall not run faster than four miles an hour.

(D) Cars travelling in the same direction shall not approach nearer each other than one hundred feet, except in case of unavoidable accident or necessity, or when cars are near stations.

Railroad crossings

(E) All cars shall be brought to a stop before crossing the line of any steam railroad track and before crossing any steam railroad track the conductor shall go forward to a point which will enable him to see both ways upon said steam railroad track and if no train be approaching shall signal his car to cross. And there shall be placed on each side of all of said crossings and within twenty feet (20 feet) thereof a sign board with the word "Stop" painted in plain letters thereon, subject to the direction of the superintendent of streets.

Motive Power.

14. Animal or other motive power except steam may be used jointly with electrical power in the operation of said railroad only during such time or times as the operation thereof by electricity shall be interrupted or suspended by reason of accident to the electrical equipment, and in case of any accident to said electrical equipment, the said company shall immediately repair the same and again operate its road by electricity: *Provided, however,* that the said company upon the streets mentioned in the second clause of paragraph two of this grant, in which there is now a horse car line shall have the right for the optional period of one year therein given, or until it shall determine within said period whether it is desirable to electrify or whether they will abandon the said street or streets, to continue to operate the present existing horse car line by horse power.

15. The Charleston City Railway Company shall hold said city harmless on account of any litigation

or of any claim or demand whatever which may be made or may accrue to any person, firm, company, corporation or property, by reason of the construction or the operation of said road or any part thereof, and it is further provided that the provisions of Section 711 of the Revised Ordinances with reference to the duty of street railroad companies to build and keep in repair all bridges, turnouts, drains and other works which the track or tracks cross, shall be and are hereby intended to include the preservation and repair of the sewerage system now in operation, and as the same may hereafter be extended, so far as the same may be injured or affected by the construction or operation of said road.

*City to be held
harmless for litiga-
tion.*

16. The rails on the tracks of the Charleston City Railway Company shall be so bonded in the latest and most improved manner as to conduct the return current without affecting the water pipes or gas mains, by electrolysis or otherwise, subject to the approval of the city electrician and the committee on streets.

Bonding of rails

17. This grant or franchise by the City Council of Charleston to the Charleston City Railway Company is in every respect subject to the Constitution and laws of the State of South Carolina, and is to be so understood and accepted by the said company: that is to say, the foregoing grant and franchise is only in so far as the City Council has the right and may lawfully grant the same, and the said Charleston City Railway Company shall indemnify and save harmless the said City Council from all suits, actions, claims, damages or litigations with reference to the rights herein granted or any part thereof.

*Grant subject to
Constitution of the
State, etc.*

18. This grant and franchise and every part and portion thereof is subject to all ordinances, rules and regulations of the City Council of Charleston, now existing or which may hereafter be adopted, governing the building, conduct, management, rates

*Grant subject to
rules and ordinan-
ces of City Council.*

of fare and running of street railways, and is also subject to the right of the City Council to modify or change the said ordinances, rules and regulations herein provided or contained in the General Ordinances of the City Council.

**Poles and posts
in streets.**

19. That the posts and poles used in such construction shall be of wood, selected and rounded in shape, except on King street, from Calhoun street to South Battery, where they shall be of iron or steel, and of such shape, style and dimensions as shall be approved by the city electrician, and shall at all times be kept neatly painted. All wooden poles shall be at least twenty-six feet in length and not less than eleven inches at the base and seven inches at the top, free from sap, rot and knots, and should be set six feet in the ground and rake twelve inches from the perpendicular: *Provided, however,* that these requirements shall be subject to modification when desired by the said company and allowed by the city electrician and committee on streets. When it is practicable the poles may bear against the curbing or paving, a substantial bearing placed at the heel of the pole to prevent same from pressing through the earth. The placing and securing of the poles shall be under the supervision and with the approval of the city electrician. Unless otherwise allowed by the city electrician and the committee on streets, wood poles for curve construction shall be twenty-seven feet in length and similar to those for straight line construction, the dimensions of such poles to be not less than fourteen inches at the butt and nine inches at the top, set seven feet in the ground and raking twelve inches from the perpendicular. In no event shall the poles be placed at greater distance than one every hundred and twenty-five feet, trolley and feed wires to be strung thereon shall not be less than eighteen feet above the surface of the street, except at the crossing of steam railroad tracks, where the trolley and feed wires should not be less than

twenty-two feet above the said railroad tracks, and in no case to interfere with fire alarm, telephone, police alarm, or any other wires; span wires should be 5-16 inches in diameter, composed of seven strands of No. 12 galvanized wire; guard wires must be used wherever the trolley wires run under telegraph, telephone, fire alarm, police alarm or any other wire. Whenever guard wires are required a space of about two feet additional shall be left on the top of the pole, above where the trolley span wires are attached, for the attachment of the guard wires. Guard wires should be insulated from all poles.

Wherever no specific regulation is required in this grant and franchise the determination thereof shall be left to the discretion of the committee on streets and the city electrician.

20. The grant and franchise herein given and granted to the Charleston City Railway Company shall be for the term of fifty years from the granting of the same.

21. All franchises, grants and licenses heretofore granted to the Charletson City Railway Company, the Enterprise Railroad Company and the Charleston Street Railway Company, except as herein expressly granted, are hereby revoked.

C. S. GADSDEN,
ZIMMERMAN DAVIS,
GEO. W. WILLIAMS,
Jos. F. KRACKE,
E. W. PERCIVAL,
J. ADGER SMYTH, Mayor,
Committee on Streets.

W. F. STRONG,
SAMUEL LAPHAM,
R. G. RHETT,
Committee on Railroads.

The report of the Joint Committee was unanimously adopted.

STATUTES RELATING TO THE CITY OF CHARLESTON.

City Charter.

Ratified
Aug. 13, 1783.

AN ACT TO INCORPORATE CHARLESTON.

Preamble.

WHEREAS, from the extent and population of Charleston, its growing importance, both with respect to increase of inhabitants and an extensive commerce with foreign nations, it is indispensably necessary that many regulations should be made for the preservation and peace and good order within the same; and, whereas, from the many weighty and important matters that occupy the attention of the Legislature at their general meeting, it has hitherto been found impracticable, and probably may hereafter become more so, for them to devise, consider, deliberate on and determine all such laws and regulations as emergencies, or the best local circumstances of the said Town, may from time to time require:

Therefore, be it enacted by the Honorable the Senate and House of Representatives, and by the authority of the same, That from and immediately after the passing of this Act, all persons, citizens of the United States, and residing one year within the said Town, or having had a freehold one year within the same, shall be deemed, and they are hereby declared to be a *Body Politic and Corporate*, and the said Town shall hereafter be called and known by the name of the CITY OF CHARLESTON.*

*City of Charles-
ton declared to be
a body politic and
corporate.*

* The remaining part of this Section relates to the division of the City into thirteen Wards which division has been since changed. The second and third Sections are obsolete.

SEC. 4. That the said Intendant[†] shall and may, as often as occasion shall require, summon the Wardens to meet together in City Council, any nine of whom to be a quorum,* who, with the Intendant, shall be known by the name of, and they are hereby declared to be, THE CITY COUNCIL OF CHARLESTON; and they and their successors, hereafter to be appointed, shall have a common seal, and shall be capable in law to purchase, have, hold, receive, enjoy, possess and retain, to them and their successors, for the use of the City of Charleston, in perpetuity or for any term of years, any estate or estates, real or personal, messuages, lands, tenements, or hereditaments, of what kind or nature soever, within the limits of the said City, and the Parish of St. Philip, and to sell, alien, exchange, or lease the same, or any part thereof, as they shall think proper; and by the same name to sue and be sued, implead and be impleaded, answer and be answered unto, in any Court of Law or Equity in this State; and they shall also be vested with full power and authority, from time to time, under their common seal, to make and establish such by-laws, rules and Ordinances, respecting the harbor, streets, lanes, public buildings, work-houses, markets, wharves, public houses, carriages, wagons, carts, drays, pumps, buckets, fire-engines, the care of the poor, the regulation of seamen or disorderly people, negroes, and in general every other by-law or regulation that shall appear to them requisite and necessary for the security, welfare and convenience of the said City, or for preserving peace, order and good government within the same; and they shall also be vested with all the powers and authorities which by law are vested in the Com-

Intendant and
Wardens to be
known as the
City Council of
Charleston.

Powers.

Authority to
Make By-Laws
and Ordinances.

Vested with the
powers of Com-
missioners of
Streets, etc.

[†] Title changed to that of Mayor by Act of 21st December, 1836. The same Act changes the title of Warden to that of Alderman.

* As to what now constitutes a quorum, see Act of 23rd December, 1879.

Assessments.

Fines.

Tonnage duty.

misioners of the Streets, Commissioners of the Markets, of the Work-House, Fire-Masters, and Commissioners of the Pilotage,[†] and they may take such effectual measures for carrying into execution all laws now in force respecting the said City and harbor, as to them shall appear expedient and necessary; and the said City Council shall also be vested with full power and authority to make such assessments on the inhabitants of Charleston, or those who hold taxable property within the same, for the safety, convenience, benefit and advantage of the said City, as shall appear to them expedient; and to affix and levy fines for all offences committed against the by-laws of the said City: and to recover all such penalties as may be incurred, under any law or laws now existing respecting the said City; and they are hereby also authorized to appoint a Recorder, Treasurer, Clerk, Coroner, Harbor-Master, Fire-Masters, Constables, and all such other officers (affixing their salaries and fees of such officers, respectively,) as shall appear to them requisite and necessary for carrying into effectual execution all by-laws, rules and Ordinances they make for the good order and government of the said City, and the persons residing within the same: *Provided, always,* That nothing herein contained shall authorize the City Council to lay a duty of more than three-pence per ton on any shipping in the harbor:^{*} nor shall they

[†] If any occasion should arise for reference to the Acts of the General Assembly containing the powers originally vested in the Commissioners above named, these Acts will be found in the Supplement to Eckhard's "Digest of the Ordinances of the City Council of Charleston," commencing at page 391. See also the following cases, in which the Act of 1764, relative to the Commissioners of Streets, has been discussed: City Council vs. Ingraham, MS. Rep. Cruikshanks, et al., vs City Council, 1 McCord, 360. Yeadon, et al., vs. City Council, MS. Rep. These cases can also be found reported in Eckhard's Digest, at the end of the volume.

^{*} The above provision is contrary to the Constitution of the United States (Art. I, Sec. 10,) which is easily accounted for from the fact that the Act to incorporate Charleston was passed several years prior to the adoption of the Constitution of the United States.

make any by-laws repugnant to the laws of the land, or inconsistent with treaties made with foreign nations: *And provided, also,* That all the by-laws, rules and Ordinances they may make, shall at all times be subject to the revisal, alteration or repeal of the Legislature.

SEC. 5. That the fee-simple of the following public lands and buildings within the said City, viz: The lands appropriated for the Exchange, the Beef Market, the Lower Market, the Fish Market, the Market at the Western end of Broad Street, with the buildings respectively thereon, and the lands and appurtenances belonging thereto; the marsh land appropriated by law for a Common; the lands bounded by Queen Street, Magazine Street, Back Street, and Mazyck Street, (except two hundred feet square at the Northwest corner thereof, reserved for a gaol;) such part of the Negro Burial Ground as is public property; the lands on which the Horn Work at the North part of the City is situate, and the public lands near the same, purchased of the Wragg and Manigault families; any vacant low water lots fronting any of the streets, shall be vested in the said City Council and their successors, for the use and advantage of the said City, to be leased, sold, improved on, or otherwise disposed of, as to the said City Council shall appear most conducive to the welfare and advantage of the said City, and the inhabitants thereof. And all fines and forfeitures, for offences committed within the said City, against any of the by-laws of the same, shall be sued for by the Recorder, and lodged with the Treasurer of the said City, to be at the disposal of the City Council, for the use and advantage of the said City.

SEC. 6. That in case of tumults or riot, or appearance or probability of tumult or riot, in the said City, the Intendant shall immediately summons together the City Council, and order the Constables

The fee simple
of certain lands
vested in City
Council.

Fines and for-
feitures.

Riots.

and other City officers to attend the City Council, and such measures shall thereupon be taken as shall appear most advisable for preventing or suppressing such riot or tumult; and if any City officer shall neglect or refuse to obey the order for attendance from the Intendant, he shall forfeit a sum not exceeding ten pounds sterling for every such offence: and any other inhabitant refusing to obey the orders of the Intendant, for the purposes of suppressing any riot or tumult, he shall forfeit a sum not exceeding five pounds sterling for every such refusal.

Power and authority of Wardens.

SEC. 7. That the said Wardens shall each of them have full power and authority, and they are hereby required to keep peace and good order in the respective Wards, to issue warrants and cause all offenders against the law to be brought before them, and on examination either to release, admit to bail, if the offence be bailable, or commit to the custody of the Sheriff of Charleston District, who is hereby required and commanded to receive the same, and the same to keep in safe custody until discharged by due course of law; and the said Wardens, or any three of them, shall, in rotation, meet twice a week, or oftener if occasion require, in the City Hall, over the Exchange, to hear and determine all small and mean causes, agreeably to the directions of the Act of the General Assembly, and all other matters of complaint arising within the said City;* and each and every of the said Wardens for the time being shall be vested with all the powers and authorities that Justices of the Peace are vested with by the laws of this State, and shall and may exercise the same in every part of the said City, for the preservation of peace and good order thereof.

Election of Wardens.

SEC. 8. That on the first Monday in September, one thousand seven hundred and eighty-four, and on the first Monday in September, every year there-

* The Court of Wardens was abolished by an Act of the General Assembly, in the year 1798. 7 St. 288.

after, there shall be an election of Wardens for each Ward,[†] and the Intendant for the time being shall give at least ten days notice of such election, appoint a place for holding it in each Ward, and proper persons for managing and conducting the same; and the persons so chosen may take the oath of qualification, allegiance, and office, before the Intendant for the time being, after which they shall be fully qualified to act as Wardens, or sit as members of the City Council; but after a new election of Wardens, none of the former Wardens shall sit as members of the City Council, unless they have been re-elected.

SEC. 9. That on the second Monday in September, one thousand seven hundred and eighty-four, and on every Monday in September thereafter, an Intendant shall be chosen from among the Wardens,^{*} by the inhabitants of all the Wards, at the City Hall, over the Exchange, or at such other place as the Intendant for the time being shall think proper,[†] who shall give ten days' notice of such election, and appoint proper persons for conducting the same; and the persons so chosen shall take the oath of qualification in the presence of the Wardens, until which, the former Intendant shall continue to act; but no person shall be eligible to serve as Intendant for more than three years in any term of five years.[‡]

SEC. 10. That in case of the death of the In-

Election of
Intendant.

[†] In accordance with the Act of December 18, 1817, Section 5, the Aldermen (then Wardens) are now elected upon a general ticket. The time of election has been changed to the second Tuesday in December, in every fourth year, in reference to which see Acts of June 8, 1877, December 23, 1878, and December 21, 1882.

^{*} The Mayor is now chosen from among the corporators. See Act of December 17, 1808, Section 1.

[†] Amended by the Act of December 18th, 1817, Section 6, which provides that the election for Mayor (then Intendant) shall be held at the same time and places at which the election for Aldermen is held.

[‡] This last clause is repealed by the Act of 21st December, 1836, Section 3.

Vacancy in office of Intendant, how filled.

Vacancy in Wardens, how filled.

Penalty for refusal to act as Intendant or Warden.

Penalty for malfeasance in office of the Intendant or Wardens.

tendant, his resignation, removal from office, or absence from the State, the Wardens shall thereupon appoint a time for choosing another, and give ten days' public notice of the same; ⁴ and in case of a vacancy in any one of the Wards, by death or otherwise, the Intendant shall issue a summons to the Ward for filling up such vacancy, giving five days' notice of the same. And if any person, on being elected Intendant, shall refuse to act, he shall forfeit and pay to the Treasurer of the City, for the use of the same, the sum of thirty pounds sterling. And if any person, on being elected Warden, shall refuse to act, he shall also pay to the Treasurer of the City the sum of twenty pounds sterling: *Provided*. That no person who has attained the age of fifty years, shall be compelled to serve in either of the said offices, nor shall any other person be obliged to serve more than one year in any term of seven years. And in case the Intendant or any of the Wardens, whilst in office, shall be guilty of any wilful neglect, malpractices or abuses, on information being filed of the same, at the Court of General Sessions, and conviction thereof, he shall forfeit and pay a sum not exceeding two hundred pounds sterling for every such willful neglect, malpractice or abuse, the money to be recovered by the Recorder, and lodged with the City Treasurer, for the use and benefit of the said City.

SEC. 11. That if any person shall be sued for anything done by virtue of this Act, he may plead the general issue, and give this Act and the special matter in evidence.

⁴ Repealed and superseded by Act of December 17, 1808, Section 3.

AN ACT TO ENABLE THE CITY COUNCIL OF
CHARLESTON TO HOLD LANDS ACQUIRED AND
TO BE ACQUIRED FOR MUNICIPAL PURPOSES.

Approved
Dec. 18, 1894.
21 Stat., 1082.

Be it enacted by the Senate and House of Representatives of the State of South Carolina, &c., That the City Council of Charleston be, and hereby is, vested with power to have, hold and possess in fee simple, through purchase or otherwise, such lands already acquired, or hereafter to be acquired, as it shall deem proper, to be used as hospital or quarantine sites, or as parks for other municipal purposes: *Provided*, That such lands shall be situated within a radius of twelve miles from the site of the City Hall in the City of Charleston.

City Council
may hold or ac-
quire lands for
municipal pur-
poses within 12
miles of the City
Hall.

AN ACT TO EXPLAIN AND AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE CHARLESTON," AND TO ENLARGE THE POWERS OF THE CITY COUNCIL.

Ratified
March 26, 1874.

WHEREAS, doubts have arisen respecting an Act entitled "An Act to Incorporate Charleston," so far as regulates the power of the Council of Wardens to commit for penalties and forfeitures, incurred by virtue of the by-laws of the said corporation.

Preamble.

SECTION 1. *Be it therefore enacted by the Honorable the Senate and House of Representatives, and by the authority of the same.* That the said Court of Wardens ought, and they are hereby fully authorized and empowered, from time to time, to commit to close prison all such person and persons who shall incur any penalties and forfeitures intended to be inflicted by any of the by-laws of the said corporation, passed conformable to the powers vested in them by the said Act of Incorporation.

Court of War-
dens authorized
to commit, etc.

May regulate
assize of bread.

SEC. 3. *And be it further enacted by the authority aforesaid,* That the City Council of Charleston be, and they are hereby vested, with full power and authority to regulate, from time to time, the price and assize of bread.

SEC. 7. *And be it further enacted by the authority aforesaid,* That the Court of Wardens shall and may have, hold and exercise the same powers and authorities therein respectively, touching all matters within the limits of their jurisdiction, and which do not exceed in value twenty pounds, except when the titles of lands may come in question, as the Judges of the Court of Common Pleas or Admiralty have, hold or do exercise in their several jurisdictions: and that the said Court of Wardens shall be a Court of Record, and all persons necessarily going to, attending on, or returning from the same, shall be free from arrests in any civil action.*

Ratified
Oct. 12, 1785.

AN ACT TO EXPLAIN AND AMEND THE "ACT FOR INCORPORATING THE CITY OF CHARLESTON, AND ENLARGING THE POWERS OF THE CITY COUNCIL," AND TO PREVENT A CLASHING OF JURISDICTION WITHIN THE SAME.

Preamble.

WHEREAS, Many Acts of the Legislature respecting the internal government and police of Charleston before it was incorporated, remain unrepealed, and Ordinances for the same purposes have been framed by the City Council, by which means a clashing of jurisdiction may arise between the State Magistrates and the City officers, as there be no doubt whether both have not an equal power to act under

* A. A. February 19, 1791, 7th Stats. at Large, p. 107, further defines the jurisdiction of the Court of Wardens. As this Court was abolished by A. A. December 21, 1798, 7 Stats. at Large, p. 288, it is unnecessary to further refer to the Court of Wardens.

each. In order to obviate any difficulties on such occasions:

SECTION I. *Be it enacted*, That from and immediately after the passing of this Act, all such Acts of the Legislature shall be and they are hereby

Acts repealed.

AN ACT TO ALTER AND AMEND "AN ACT TO INCORPORATE CHARLESTON," AND FOR OTHER PURPOSES THEREIN MENTIONED.

Ratified
Dec. 17, 1808.

SEC. 4. That no person shall be eligible to the office of Intendant unless he be a citizen of the United States, of the age of twenty-five years, and shall have resided within the said City three years previous to his election [and be at the time of his election a resident therein, and unless he be seized and possessed, in his own right, of a freehold estate, situate within the said City, of the value of three hundred pounds sterling clear of debt,]* and that no person shall in future be eligible to the office of Warden unless he be a citizen of the United States, of the age of twenty-one years, and shall have resided within the said City three years previous to his election, and be at the time of his election a resident of the Ward for which he shall be elected: [and unless he be seized and possessed, in his own right, of a freehold estate, situate within the said City, of the value of one hundred and fifty pounds sterling clear of debt.]

Qualification of
Intendant and
Wardens.

SEC. 6. That the Intendant of the City shall, in addition to the powers heretofore given by law, be authorized to exercise, within the said City, all the powers which now are, or may be incident to the office of Justice of the Quorum: and that he may, by compulsory process, enforce the attendance of

Intendant to
exercise powers
of Justice of the
Quorum.

* For this note, see next page.

witnesses who may be required to give testimony before Council on any subject matter within the jurisdiction of the Corporation of Charleston.

Ratified
Dec. 13, 1815.

AN ACT TO CONFIRM THE DIVISION OF THE CITY OF CHARLESTON INTO FOUR WARDS, AS DIRECTED BY AN ACT PASSED NINETEENTH DECEMBER, 1809, AND FOR OTHER PURPOSES THEREIN MENTIONED.

Jurisdiction of the City to extend to the channel of Cooper and Ashley Rivers.

SEC. 2. That the territorial jurisdiction of the corporation of the City of Charleston, shall extend to the channel of Cooper and Ashley Rivers, its Northern boundary being the same as is now declared by law.

Ratified
Dec. 21, 1836.

AN ACT TO ALTER AND AMEND THE CHARTER OF THE CITY OF CHARLESTON, AND FOR OTHER PURPOSES THEREIN MENTIONED.

Title of Intendant and Wardens changed.

SECTION 1. *Be it enacted*, That the name and title of the Intendant and Wardens of the respective Wards in the City of Charleston, as expressed in the Act passed the thirteenth day of August, one thousand seven hundred and eighty-three, entitled "An Act to Incorporate Charleston," and in all other Acts to amend the Charter of the City, be changed to the name and title of the Mayor and Aldermen of the respective Wards in the City of Charleston; and all laws of the State and Ordinances of the City Council of Charleston, relating to the powers, election and term of office, and duties of the said Intendant and Wardens, shall be, and the same are hereby made of force in relation to the Mayor and Aldermen of the City of Charleston, in the same manner as if they, or either of them, had been therein specially named

by that title. And the said Mayor and Aldermen shall meet together in City Council, with the same powers and authority as the said Intendant and Wardens, under the Act before mentioned.

SEC. 2. That the said Mayor and Aldermen of the City of Charleston shall be, and are hereby respectively vested with, and shall exercise the same powers and authority that are now vested in, and exercised by the Intendant and Wardens of the Wards of the City of Charleston, under any of the Acts of Assembly and Ordinances of the City Council of Charleston.

Mayor and Aldermen vested with powers.

SEC. 3. That so much of the ninth section of the said Act, entitled "An Act to Incorporate Charleston," as declares no person shall be eligible to serve as Intendant (changed by this Act into the title of Mayor,) for more than three years in any term of five years, be, and the same is, hereby repealed.

Mayor eligible more than three years.

SEC. 4. That the said Mayor of the City of Charleston shall have power to issue warrants, and cause all offenders against the law to be brought before him, at the Police Court, established under the Ordinance of the City Council of Charleston, or at such other time and place as he may direct, and either to release, admit to bail, if the offence be bailable, or commit to the custody of the Sheriff of Charleston District, who is hereby commanded and required to receive the same, and keep in safe custody until discharged in due course of law. And the said Mayor shall, within the corporate limits of the City have and exercise all the powers of a Justice of the Quorum. And the said Mayor shall and may, by compulsory process, enforce the attendance of witnesses who may be required to give testimony before the said Police Court, and shall and may punish, as for contempt all persons who may, in the presence of the said Court, be guilty of any riotous

Powers of the Mayor to issue warrants, etc.

or disorderly conduct, or who may in any other manner wilfully interrupt the proceedings of the said Police Court.

Provision during sickness of the Mayor.

SEC. 5. That in case of the sickness or temporary absence of the Mayor of the said City, the Aldermen shall appoint one of their number to act as Mayor *pro tem.*, who shall, for the time being, exercise the powers and duties vested in the Mayor: and the duty of the Mayor in holding the Police Court, during such sickness or temporary absence of the Mayor, shall devolve on the Aldermen in rotation;* and the said Mayor shall not, by virtue of any temporary absence from the State, with the consent of the City Council, vacate his office.

Penalties may be extended to \$1,000.

SEC. 6. That the City Council of Charleston shall have power to levy fines for all offences against their Ordinances and by-laws now existing, or which may hereafter be passed, to an amount not exceeding one thousand dollars for each such offence, to be recoverable in the City Court of Charleston, or any other Court having jurisdiction.

Officers of Guard not to act as Magistrates, etc.

SEC. 7. It shall not be lawful for any officer or non-commissioned officer of the City Guard to exercise any of the powers of a Magistrate in any case of complaint by or against the said City Guard, or any officer or member thereof.

Amendments to City Charter to be notified for one month.

SEC. 8. That no amendment to the charter of the said City or alteration of any of the laws relating to the City of Charleston, which require the sanction of the Legislature, shall hereafter be made, unless the substance of the amendment or alteration be published in some gazette of the City, for thirty days previous to the application for such amendment or alteration.

* By A. A., 1878, XVI Stat. 467, being §2139 Gen. Stat. 1882, it is made the duty of the Recorder to hold the Police Court. By §2140 of Gen. Stats., 1882, and §2273 Rev. Stats., 1893, provision is made for holding said Court during the sickness or unavoidable absence of the Recorder.

**AN ACT TO EXTEND THE LIMITS OF THE CITY OF
CHARLESTON.**

Ratified
Dec. 19, 1849.

WHEREAS, The growing importance and increasing population of that part of the Parish of St. Philip, which lies to the North and West of Boundary Street, renders it necessary to provide for the same a more efficient police, and in order to avoid a conflict of jurisdiction, it is expedient to unite the same with the City of Charleston; Therefore

Preamble.

SECTION I. *Be it enacted by the Senate and House of Representatives now met and sitting in General Assembly,* That all that part of St. Philip's Parish lying between the present limits of the City and a line to be drawn due West from Cooper River to Ashley River, by the junction of Meeting and King Streets, be divided into four Wards, as the Commissioners of Cross Roads may deem most advisable; and to each of said Wards shall be assigned a representation in the City Council of Charleston, according to their respective numbers, with the same proportion as the other Wards of the City*; and that, in the next election for Mayor and Aldermen of the City of Charleston, the polls in the new Wards, as well as in the other Wards of the City, shall be opened in the same manner as heretofore prescribed by law for the election of Aldermen of each Ward, and a Mayor for the whole City. And from and after the first Monday in September next the authority of the several Boards of Commissioners for the Poor, and for the Main and Cross Roads, over that part of Charleston Neck between the present limits of the City and the line hereinbefore mentioned, shall cease and determine; and the jurisdiction and authority of the City Council of Charleston

*Limits of the
City extended,
and four new
Wards added.*

*Each assigned a
representation in
the City Council.*

*The authority
of the several
Boards of Com-
missioners over
Charleston Neck
to cease after
1st Monday in
September.*

* The representation is fixed by A. A. December 21, 1882, post, at two Aldermen for each Ward in the City.

shall be extended over all that part of St. Philip's Parish, and the same shall be, to all intents and purposes, incorporated with the City of Charleston, subject, however, to the following conditions and restrictions, that is to say:

City debts now in existence to be charged on the property now possessed by the City.

How taxes to be levied, in ten succeeding years, are to be applied.

Property employed for agricultural purposes to be exempt from City taxation.

No laws against the erection of wooden buildings to have effect in the incorporated part for twenty years.

Property of the City of Charleston to be vested in the corporate body formed by the annexation.

1. That all the debts of the City now in existence shall be charged on the property now possessed by the City, and paid by those now liable for the same.

2. That all taxes to be levied upon that part of St. Philip's Parish hereby incorporated with the City, within ten years next succeeding such incorporation, shall be applied exclusively in manner following, that is to say: First, to pay a proportionable part of the general expenses of the Corporation; and next, to the special and proper benefit and improvement of that part of St. Philip's Parish hereby incorporated with the City.

3. That all lands, horses, carts, etc., which may be exclusively employed in agriculture, shall, while so employed, be exempt from City taxation.

4. That no part of the laws, Ordinances, and regulations against the erection of wooden buildings in the City of Charleston, shall have effect or application in that part of St. Philip's Parish incorporated with the City by this Act, until the expiration of twenty years from the passing of this Act, except in such Wards as may, by vote of the major part of the inhabitants of such Ward, express their consent and request that the same be extended to them at an earlier period.

SEC. 2. That all the property now belonging to the City of Charleston shall be vested in the corporate body to be formed by the annexation herein provided for, subject only to the claim of the present creditors of the City, for the payment of their demands out of the coffers or revenue of the same; and that all the laws and regulations of force in the City of Charleston shall extend and be binding over that

part of St. Philip's Parish hereby incorporated with the City, subject only to the foregoing conditions and restrictions, and to such modifications as may, from time to time, be made therein, by future legislation or by necessary implication.

AN ACT TO ALTER AND AMEND THE LAWS RELATING TO THE CITY OF CHARLESTON.

Approved
Dec. 23, 1879.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by authority of the same, That hereafter the Mayor of the City of Charleston, and not less than sixteen Aldermen, shall be a quorum of the City Council of Charleston for the imposition of taxes and the appropriation of money; and that for the discharge of all other duties imposed, and all other powers and authorities vested in the said City by law, the Mayor and not less than twelve Aldermen shall be a quorum.*

Quorum necessary to levy taxes.

SEC. 2. That all Acts or parts of Acts contrary to or repugnant to the provisions of this Act be, and the same are hereby repealed.

Quorum for other duties.

AN ACT RELATIVE TO THE POWER OF THE CITY COUNCIL OF CHARLESTON TO IMPOSE PUNISHMENT FOR THE VIOLATION OF CITY ORDINANCES.

Approved
March 1, 1870.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the City Council of Charleston be, and they hereby are, authorized to impose for the violation of Ordinances, imprison-*

City Council.

ment in the work-house or jail not exceeding thirty days, in addition, or in the alternative, to penalties now authorized to be imposed by Ordinances of said City.

Police Court.

SEC. 2. That the Police Court, the City Court of Charleston, and Trial Justices residing within the limits of the City of Charleston, are vested with jurisdiction to try, determine and impose the penalties authorized by Ordinances of the City Council of Charleston, pursuant to this Act: *Provided*, That whenever a jury is demanded by a party charged before the Police Court, he shall be transferred to the City Court or a Trial Justice for trial.

Approved
Jan. 26, 1878.
XVI Stat., 331.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT RELATIVE TO THE POWER OF THE CITY COUNCIL OF CHARLESTON TO IMPOSE PUNISHMENTS FOR THE VIOLATION OF CITY ORDINANCES," APPROVED MARCH 1, 1870.

City Council to
impose punishment
of hard labor
on the streets
for violation of
Ordinances.

Be it enacted by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the Act entitled "An Act relative to the power of the City Council of Charleston to impose punishments for the violation of City Ordinances," approved March 1, 1870, be so amended that the said City Council be, and they are hereby, authorized to impose, for the violation of City Ordinances, hard labor on the public streets, squares, alleys and lanes of said City, in addition to or in the alternative of penalties which are now or which may hereafter be authorized to be imposed by Ordinances of said City.

DIVISION OF THE CITY OF CHARLESTON INTO
 TWELVE WARDS, AND MAKING PROVISION FOR
 THE ELECTION OF THE MAYOR AND ALDER-
 MEN OF SAID CITY.

Code of S. C.,
 1902.

SECTION I. Be it enacted by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the City of Charleston is hereby divided into twelve Wards, as follows:

Ward number (1) One shall embrace all that portion of said City lying South of Broad Street and East of King Street; First Ward.

Ward number (2) Two shall embrace all that portion of the said City lying South of Broad Street and West of King Street; Second Ward.

Ward number (3) Three shall embrace all that portion of the said City lying North of Broad Street, South of Hasel Street, and East of King Street; Third Ward.

Ward number (4) Four shall embrace all that portion of the said City lying North of Broad Street, South of Wentworth Street and West of King Street; Fourth Ward.

Ward number (5) Five shall embrace all that portion of the said City lying North of Hasel Street, South of Calhoun Street and East of King Street; Fifth Ward.

Ward number (6) Six shall embrace all that portion of the said City lying North of Wentworth Street, South of Calhoun Street and West of King Street; Sixth Ward.

Ward number (7) Seven shall embrace all that portion of the said City lying North of Calhoun Street, South of Mary Street and East of King Street; Seventh Ward.

Ward number (8) Eight shall embrace all that portion of the said City lying North of Calhoun Street, South of Radcliffe and Bee Streets and West of King Street; Eighth Ward.

Ward number (9) Nine shall embrace all that portion of the City lying North of Mary Street to the City Boundary. East of Nassau Street up to its intersec- Ninth Ward.

Tenth Ward.

tion with Amherst Street, East of Hanover Street; Ward number (10) Ten shall embrace all that portion of the said City lying North of Mary Street, West of Nassau up to its intersection with Amherst Street, and from Amherst Street, West of Hanover Street to the City Boundary, and East of King Street; Ward number (11) Eleven shall embrace all that portion of the said City lying West of King Street, East of Rutledge Avenue, and North of Radcliffe Street to the City Boundary; Ward number (12) Twelve shall embrace all that portion of the said City lying North of Bee Street to the City Boundary, and West of Rutledge Avenue.

Eleventh Ward.

Twelfth Ward.

Two Aldermen
to each Ward.Election of
Mayor.One Alderman
for each Ward, to
be decided by
votes in Ward.The other
twelve Aldermen
to be elected by
voters in whole
City.Polling Pre-
cincts.

SEC. 2. Each Ward shall be represented in the City Council by two Aldermen.

SEC. 3. The Mayor shall be elected by the qualified voters of the said City at the times and for the term of office now prescribed by law. And the person possessing the qualifications now required by law for said office, who shall receive the highest number of votes cast at such election, shall be such Mayor.

SEC. 4. One Alderman for each Ward shall be elected by the qualified voters thereof, at the times and for the term now prescribed by law for Aldermen of said City. Each Alderman so elected must be, and during his term of office must remain, a resident of the Ward for which he is elected.

SEC. 5. The other twelve (12) Aldermen shall be elected on a general ticket by the qualified voters of the said City, at the times and for the term now prescribed by law for the Aldermen of the said City. Each Alderman so elected on such general ticket shall be, and during his term of office shall remain, a resident of the Ward for which he is elected.*

SEC. 6. There shall be at least one polling precinct in each Ward.

* Amended by A. A. Dec. 12, 1884.

SEC. 7. The Commissioners and Managers of Election shall be appointed in the same mode, and shall be invested with the same powers and duties now prescribed by law. The voters shall be registered, and the election shall be conducted in the same manner as now prescribed by law, save and except as is provided in the following sections.

Commissioners
and Managers of
Election.

Registration of
voters.

SEC. 8. For each election the Commissioners of Election shall provide at least three (3) ballot-boxes, in one of which shall be deposited the ballots for Mayor and Aldermen on the general ticket, in one of which shall be deposited the votes for Aldermen of the Ward, in one of which shall be deposited the votes for School Commissioner; and if any question or questions be submitted to the people of said City under any Act, Joint Resolution or Ordinance, one other box, in which the votes on such question or questions shall be deposited. The ballot-boxes shall be constructed and the polling precincts be guarded as is provided in State elections.

Regulations as
to ballot boxes.

SEC. 9. The voting shall be by ballot, which ballot shall be of plain white paper, two and one-half inches wide by five inches long, clear and even cut, without ornament, designation, mutilation, symbol or mark of any kind whatever; except the name or names of the person or persons voted for, and the office for which such person or persons are intended to be chosen, which name or names, and office or offices, shall be written or printed, or partly written or partly printed, thereon in black ink across such ballot in plain Roman type, and such ballot shall be so folded as to conceal the name or names thereon, and so folded shall be deposited in a box, to be constructed in the same manner as the ballot-boxes for State elections. And no ballot of any other description found in an election box shall be counted, nor shall it be lawful to count any ballot upon which there shall appear the name of any officer, or the

Regulations as
to ballots.

name of any person, in connection with any office other than the office for which the box in which such ballot is found is provided.

Vacancy in office of Mayor, how filled.

SEC. 10. In case of a vacancy in the office of Mayor, caused by the death, resignation, refusal to serve, inability, or any disability of the person elected to be Mayor, the City Council shall forthwith proceed to fill such vacancy by electing one of their own number to act as Mayor for the unexpired term; but such election shall not create a vacancy in the office of Alderman in the place of the Alderman thus elected Mayor. Nothing herein contained to prevent the selection, as heretofore, of a Mayor *pro tempore* in case of the temporary absence or inability of the Mayor.

Vacancy in office of Aldermen, how filled.

SEC. 11. In case of any vacancy in the office of Alderman, by reason of the death, resignation, refusal to serve, removal from the Ward, inability, or any other disability of the person elected as Alderman therein, it shall be the duty of the Mayor, within ten days after such vacancy has occurred, to order an election to fill the same; and in case the Mayor shall not, for any reason, order such election, it shall be the duty of the City Council to do so at its first meeting next after the expiration of the same ten days. The time of notice of such election, and the mode of conducting the same, shall, in every respect, conform to those prescribed for the general election for Mayor and Aldermen of said City: *Provided, however,* That whenever such vacancy shall occur in the office of an Alderman who has been elected on a general ticket as provided in Subdivision 5 of this Section and known as an Alderman at large, then in such case the Ward Alderman shall serve for and during such unexpired term as Alderman at large, and the vacancy filled by the election of a Ward Alderman as provided in Subdivision 4 of this Section.

SEC. 12. So much of any Act as may be inconsistent with or repugnant to this Act is hereby repealed.

Acts inconsistent
repealed.

SEC. 13. This Act to go into effect on its approval.

Act to go into
effect immediately.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO DIVIDE THE CITY OF CHARLESTON INTO TWELVE WARDS, AND MAKING PROVISION FOR THE ELECTION OF THE MAYOR AND ALDERMEN OF THE SAID CITY."

Ratified
Dec. 12, 1884.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same,* That an Act entitled "An Act to divide the City of Charleston into twelve Wards and making provision for the election of the Mayor and Aldermen of the said City," approved 21st December, A. D., 1882, be, and the same is hereby amended by striking out in the fifth section thereof the following words, to wit: "Each Alderman so elected on such general ticket shall be, and during the term of office shall remain, a resident of the Ward for which he is elected," and inserting in lieu thereof, the following words, to wit: "Each Alderman so elected on such general ticket shall be, at the time of his election, a resident of the Ward for which he is elected."

Alderman to
be resident of
Ward when elect-
ed.

Voting Precincts.

The registration and voting precincts in the County of Charleston within the limits of the City of Charleston shall hereafter conform to the Wards in which the City of Charleston is now by law divided, and registration and voting precincts are

Code of Laws,
South Carolina
Sec. 203.

First Precinct,
Ward 1.

hereby established therein as follows: The first precinct of Ward One shall embrace all that portion of said Ward South of Broad Street, East of Church Street to Water Street, South of Water Street to Meeting Street, East of Meeting Street to South Bay Street. The poll shall be held at or near the corner of Church and Water Streets.

Polling Place.

Second Precinct,
Ward 1.

The second precinct of Ward One shall embrace all that portion of said Ward South of Broad Street, East of King Street, West of Church Street to Water Street to Meeting Street, West of Meeting Street to South Bay Street.

Polling Place.

First Precinct,
Ward 2.

The poll shall be held at or near the corner of Meeting and Tradd Streets. The first precinct of Ward Two shall embrace all that portion of said Ward South of Broad Street, West of King Street to South Bay Street, including South side of said street to Ashley River, East of Legare Street to Tradd Street, North of Tradd to Logan Street,

Polling Place.

Second Precinct,
Ward 2.

East of Logan to Broad Street. The poll shall be held at or near the corner of King and Tradd Streets. The second precinct of Ward Two shall embrace all that portion of said Ward South of Broad Street, West of Logan Street to Tradd Street, South of Tradd to Legare Street, West of Legare Street to Ashley River.

Polling Place.

First Precinct,
Ward 3.

The poll shall be held at or near the corner of New and Broad Streets. The first precinct of Ward Three shall embrace all that portion of said Ward North of Broad Street, South of Hasell Street, East of Church Street and Maiden Lane.

Polling Place.

Second Precinct,
Ward 3.

The poll shall be at or near the corner of State and Cumberland Streets. The second precinct of Ward Three shall embrace all that portion of said Ward North of Broad Street, South of Hasell Street, West of Church Street and Maiden Lane and East of King Street.

Polling Place.

First Precinct,
Ward 4.

The poll shall be held at Market Hall. The first precinct of Ward Four shall embrace all that portion of said Ward North of Broad Street, South of Wentworth Street,

West of King Street and East of Mazyck and Coming Streets. The poll shall be held at or near the corner of Archdale and Beaufain Streets. The second precinct of Ward Four shall embrace all that portion of said Ward North of Broad Street, South of Wentworth Street, West of Mazyck and Coming Streets. The poll shall be held at or near the corner of Smith and Beaufain Streets. The first precinct of Ward Five shall embrace all that portion of said Ward North of Hasell Street, South of Calhoun Street, and East of Anson Street. The poll shall be held at or near the corner of Laurens and Middle Streets. The second precinct of Ward Five shall embrace all that portion of the said Ward North of Hasell Street, South of Calhoun Street, West of Anson and East of King Street. The poll shall be held at or near the corner of Meeting and Society Streets. The first precinct of Ward Six shall embrace all that portion of said Ward North of Wentworth Street, South of Calhoun Street, West of King Street, and East of Pitt Street. The poll shall be held at or near the corner of George and College Streets. The second precinct of Ward Six shall embrace all that portion of said Ward North of Wentworth Street, South of Calhoun Street and West of Pitt Street. The poll shall be held at or near the corner of Bull and Rutledge Streets. The first precinct of Ward Seven shall embrace all that portion of said Ward North of Calhoun Street, South of Mary Street, and East of Elizabeth Street. The poll shall be held at or near the corner of Alexander and Charlotte Streets. The second precinct of Ward Seven shall embrace all that portion of said Ward North of Calhoun Street, South of Mary, West of Elizabeth Street and East of King Street. The poll shall be held at or near the corner of Hudson and Meeting Streets. The first precinct of Ward Eight shall embrace all that portion of said

Polling Place.

Second Precinct, Ward 4.

Polling Place.

First Precinct, Ward 5.

Polling Place.

Second Precinct, Ward 5.

Polling Place.

First Precinct, Ward 6.

Polling Place.

Second Precinct, Ward 6.

Polling Place.

First Precinct, Ward 7.

Polling Place.

Second Precinct, Ward 7.

Polling Place.

First Precinct, Ward 8.

Polling Place.

Second Precinct, Ward 8.

Polling Place.

First Precinct, Ward 9.

Polling Place.

Second Precinct, Ward 9.

Polling Place.

First Precinct, Ward 10.

Polling Place.

Second Precinct, Ward 10.

Polling Place.

First Precinct, Ward 11.

Polling Place.

Second Precinct, Ward 11.

Polling Place.

Ward North of Calhoun Street, South of Radcliffe Street, West of King Street and East of Pitt and Thomas Streets. The poll shall be held at or near the corner of Vanderhorst and Coming Streets. The second precinct of Ward Eight shall embrace all that portion of said Ward North of Calhoun Street, South of Radcliffe and Bee Streets and West of Pitt and Thomas Streets. The poll shall be held at or near the corner of Rutledge and Vanderhorst Streets. The first precinct of Ward Nine shall embrace all that portion of said Ward North of Mary Street, South of Columbus Street and East of Nassau and Hanover Streets. The poll shall be held at or near the corner of Amherst and America Streets. The second precinct of Ward Nine shall embrace all that portion of said Ward North of Columbus, East of Hanover Street to the City Boundary. The poll shall be held at or near the corner of America and Cooper Streets. The first precinct of Ward Ten shall embrace all that portion of said Ward North of Mary Street, South of Columbus Street, West of Nassau and East of King Street. The poll shall be held at or near the corner of Woolfe and Meeting Streets. The second precinct of Ward Ten shall embrace all that portion of said Ward North of Columbus, East of King Street and West of Hanover Street to the City Boundary. The poll shall be held at or near the corner of Line and Meeting Streets. The first precinct of Ward Eleven shall embrace all that portion of said Ward North of Radcliffe Street, South of Spring Street, West of King Street and East of Rutledge Avenue. The poll shall be held at or near the corner of Morris and Coming Streets. The second precinct of Ward Eleven shall embrace all that portion of said Ward North of Spring Street, West of King Street and East of Rutledge Street to the City Boundary. The poll shall be held at or near the corner of Line and Com-

ing Streets. The first precinct of Ward Twelve shall embrace all that portion of said Ward North of Bee Street, West of Rutledge Avenue, East of President Street and its line of prolongation to the City Boundary. The poll shall be held at or near the corner of Ashley and Spring Streets. The second precinct of Ward Twelve shall embrace all that portion of said Ward North of Bee Street, West of President Street and its line of prolongation to the City boundary. The poll shall be held at or near the corner of Spring and Norman Streets. The said voting precincts are hereby declared to be voting precincts for all elections held in the City of Charleston, whether State, Federal or municipal.

First Precinct,
Ward 12.

Polling Place.

Second Precinct,
Ward 12.

Polling Place.

QUALIFICATION AND REGISTRATION OF ELECTORS IN MUNICIPAL ELECTIONS.

Civil Code S. C. 1902.

SEC. 174. Every male citizen of this State and the United States twenty-one years of age and upwards, not laboring under disabilities named in the Constitution of 1895 of this State, who shall have been a resident in the State for two years, in the County one year, in the polling precinct in which the elector offers to vote four months before any election, and shall have paid six months before any election any poll tax then due and payable, and who can both read and write any Section of the said Constitution submitted to him by the registration officer or officers, or can show that he owns, and has paid all taxes collectible during the previous year on property in this State assessed at three hundred dollars or more, and who shall apply for registration, shall be registered: *Provided*, That ministers in charge of an organized Church and teachers of public schools shall be entitled to vote after six

Qualifications
for registration
after January 1st,
1898.

1896 xxii. 34 §1.
Con. Art. 2. §1.

Who are qualified.

months' residence in the State if otherwise qualified: Provided, further, That persons who are idiots, insane, paupers supported at the public expense and persons confined in any public prison shall be disqualified from being registered or voting: *And provided, further,* That persons convicted of burglary, arson, obtaining goods or money under false pretenses, perjury, forgery, robbery, bribery, adultery, bigamy, wife-beating, housebreaking, receiving stolen goods, breach of trust with fraudulent intent, fornication, sodomy, incest, assault with intent to ravish, miscegenation, and larceny, or crimes against the election laws, shall be disqualified from being registered or voting, unless such disqualification shall have been removed by the pardon of the Governor.

No person to
vote unless regis-
tered.

1896. xxii. 34.

Who entitled to
vote in municipal
elections.

SEC. 175. No person shall be allowed to vote at any election hereafter to be held unless he shall have been registered as herein required.

* * * * *

SEC. 194. Every male citizen of this State and of the United States of the age of twenty-one years and upwards, having all the qualifications mentioned in Section 174 of this Act, and who has resided within the corporate limits of any incorporated city or town in this State for four months previous to any municipal election, and has paid all taxes due and collectible for the preceding fiscal year, and who has been registered as hereinafter required, shall be entitled to vote at all municipal elections of his city or town after the general election in the year 1896.

SEC. 195. Ninety days before the holding of a regular election in any incorporated city or town in this State, the Mayor or Intendant thereof, shall appoint one discreet individual who is a qualified elector of such municipality as Supervisor of Registration for such city or town, whose duty it shall be to register all qualified electors within the limits of

Municipal Reg-
istration: how
made.

the incorporated city or town. The names of all qualified electors of such municipality shall be entered in a book of registration, which at least one week before the election and immediately after the holding of the election shall be filed in the office of the Clerk or Recorder of such city or town, and shall be a public record open to the inspection of any citizen at all times. Such registration shall be used for all special elections in the municipality until ninety days preceding the next regular election: *Provided*, That in cities of over fifty thousand inhabitants there shall be appointed three Supervisors, who shall represent different political parties or factions of parties. Immediately preceding any municipal election to be held in any incorporated city or town in this State, the Supervisor or Supervisors of Registration (as the case may be) shall prepare for the use of the Managers of Election of each polling precinct in such city or town a registration book or books for each polling precinct in such city or town containing the names of all electors entitled to vote in such polling precinct at said election.

SEC. 196. It shall be the duty of the Mayor or Intendant of incorporated cities or towns to cause to be prepared and furnished suitable books of registration and all stationery and blanks necessary for the registration of electors.

SEC. 197. The Supervisor or Supervisors of Registration (as the case may be) shall judge of the qualifications of all applicants for registration. The production of a certificate of registration from the Board or Supervisor of Registration of the County entitling the applicant to vote in a polling precinct within the incorporated city or town in which the applicant desires to vote shall be a condition prerequisite to the applicant's obtaining a certificate of registration for municipal elections; and the production of such certificate and proof of his residence

*Books, etc., to
be furnished.*

*Qualifications
for registration.
How determined.*

Appeals.

within the limits of the municipality for four months preceding such election and the payment of all taxes assessed against him due and collectible for the previous fiscal year shall entitle the applicant to registration. From the decision of the municipal Supervisor any applicant may appeal to the Court of Common Pleas, or any Judge thereof, and from thence to the Supreme Court, and the mode of appeal shall be the same as provided in Section 180 of the Civil Code.

Place of voting.

SEC. 198. In incorporated cities or towns in which there are more than one polling precinct, every elector shall vote at the polling precinct in which his registration certificate entitles him to vote.

Elector to have certificate.

SEC. 199. Each elector registered by the municipal Supervisor or Supervisors of Registration (as the case may be) shall be furnished by such Supervisor or Supervisors (as the case may be) with a certificate, which shall be of the following form:

Form of certificate. STATE OF SOUTH CAROLINA, CITY OR TOWN OF —————

REGISTRATION CERTIFICATE FOR MUNICIPAL
ELECTION.

NUMBER —————, WARD —————.

This is to certify that..... is a qualified elector of the city or town of..... resides in Ward..... is.....years of age, and is entitled to vote in the municipal election on the.....day of....., 19.....

.....,
"Supervisor of Registration."

.....,
.....,

(or),
"Supervisors of Registration."

SEC. 200. Before any municipal election to be held in any incorporated city or town in this State after the general election of 1896, the municipal Supervisor or Supervisors of Registration, (as the case may be) shall furnish the Managers of Election with the book or books of registration for the city or town, or precinct thereof, prepared by him or them for the use of the Managers of Election as prescribed in Section 195, which they shall return to the Supervisor or Supervisors (as the case may be) within three days after the election; and no elector shall be allowed to vote in any municipal election whose name is not registered as herein provided, or who does not produce a municipal registration certificate at the polls: *Provided*, That in case the name of any registered elector does not appear, or incorrectly appears, on the registration books of his polling precinct, he shall nevertheless be entitled to vote, upon the production and presentation to the Managers of Election of such precinct (in addition to his municipal registration certificate) a certificate of the Clerk or Recorder of such city or town that his name is enrolled in the registration books of his city or town, on file in the office of said Clerk or Recorder, and it shall be the duty of said Clerk or Recorder to furnish such certificate without cost or charge upon demand of any such elector whose name appears on the registration book of his city or town on file in the office of said Clerk or Recorder.

SEC. 201. Every applicant for registration, including municipal registration, shall first take the following oath, to be administered to him by the Board or the Supervisor or Supervisors of Registration (as the case may be:) "I do solemnly swear (or affirm) that I am a male citizen of this State and of the United States; that I am twenty-one years of age or more; that I have resided in this

Managers of
election to be fur-
nished with regis-
tration books.

Oath required
of applicant.

State for two years, and in this County for one year, and in the polling precinct in which I apply to be registered and in which I will offer to vote if registered for four months; and that I have not been convicted of burglary, arson, obtaining goods or money under false pretenses, perjury, forgery, robbery, bribery, adultery, bigamy, wife-beating, house-breaking, receiving stolen goods, breach of trust with fraudulent intent, fornication, sodomy, incest, assault with intent to ravish, miscegenation, larceny, or crime against the election laws."

Each Township
a polling precinct.

SEC. 202. Each township as now or hereafter laid out and defined in the several Counties in this State, and in those Counties where there are no such township the parish as formerly known and defined is declared a polling precinct. In all cities and towns containing five thousand inhabitants or more, where the same is divided into wards, each ward shall have a polling precinct; and in the City of Charleston the polling precincts shall be the same as the voting precincts now established in the several wards of said city by law, and in the County of Richland that portion of Columbia Township outside of the corporate limits of the City of Columbia (as the said limits are now or may hereafter be by law established) shall constitute a separate polling precinct. The voting places within these polling precincts shall be the same as now or hereafter established by law: *Provided*, When there are more than one voting place in the polling precincts the elector for that precinct can vote at either polling place, to be designated on his certificate of registration by Board of Registration or Supervisor of Registration.

**AN ACT TO AUTHORIZE THE CITY COUNCIL OF
CHARLESTON TO MAKE CITY TAXES A LIEN
FOR THE TERM OF TWO YEARS.**

Approved
Dec. 23, 1878.
XVI Stat., 725.

Be it enacted by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the City Council of Charleston shall be, and they are hereby vested with power and authority to make any tax hereafter imposed by them, a lien paramount to all other liens, except taxes imposed by the State, which may exist or may thereafter attach to any real property in reference to which the tax is levied; and the said lien shall remain in force as a paramount lien for the term of two years: Provided, That no such lien shall exist unless the amount of taxes claimed against each piece of property be recorded in a book kept for that purpose, showing the name of the owner, an accurate description of the property, and the amount of taxes claimed, which book shall be kept in the office of the City Treasurer, and be open to the inspection of the public; and the City Treasurer shall be required to give certificate of what taxes are due against any person, and on what piece of property, on the demand of any person, for which he shall be allowed to charge a fee of twenty-five cents for each name.

Taxes a lien
for two years.

Proviso.

**AN ACT TO AUTHORIZE THE CITY COUNCIL OF
CHARLESTON TO TAX THE INCOME OF PER-
SONS RESIDENT WITHOUT THE SAID CITY, DE-
RIVED FROM BUSINESS CONDUCTED WITHIN
THE CITY.**

Ratified
Dec. 21, 1836.

SECTION 1. Be it enacted, That the City Council of Charleston shall be, and they are hereby vested

*Council to levy
taxes on income
of non-residents
derived in City.*

with power and authority to levy and collect such assessments and taxes on the income and profit of persons resident without the limits of the City of Charleston, derived from the pursuit of any faculty, profession, or occupation, conducted within the limits of said City, as the said City Council may deem expedient for the safety, convenience, benefit, and advantage of the said City: *Provided*, That no tax imposed upon the said persons so resident without the City, shall be at a greater rate than that levied upon persons resident within the same.

Approved
Dec. 17, 1881.

AN ACT TO AUTHORIZE THE CITY COUNCIL OF CHARLESTON TO IMPOSE A LICENSE TAX ON ALL PERSONS ENGAGED IN ANY BUSINESS, TRADE, OR PROFESSION IN THE CITY OF CHARLESTON.

Preamble.

WHEREAS, by an inadvertence in an Act entitled "An Act to regulate the assessment and taxation of personal property in the City of Charleston," approved March 1st, 1870, it has been questioned whether the intent of the said Act to empower the City Council of Charleston to impose a license tax on persons engaged in business in the City of Charleston can be accomplished—

Authorized to grant licenses.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same*, That the City Council of Charleston be, and are hereby authorized to require the payment of such sum or sums of money, not exceeding five hundred dollars, for license or licenses, as in their judgment be just and wise, by any person or persons engaged, or intending to engage in any calling, business or profession, in whole or in part, within the limits of the City of Charles-

ton, except those engaged in the calling or profession of teachers and ministers of the gospel.

SEC. 2. The said City Council of Charleston is hereby authorized to pass such Ordinances as are necessary to carry the intent and purposes of this Act into full effect.

SEC. 3. That this Act shall take effect from the date of its approval. * * * * *

Ordinances to
carry into effect
authorized.

AN ACT TO AMEND THE CHARTER OF THE CITY OF CHARLESTON, WITH REFERENCE TO THE ENFORCEMENT AND COLLECTION OF TAXES ON PERSONAL AND REAL PROPERTY.

Approved Dec.
17, 1894.

Be it enacted by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the City Council of Charleston be, and they are hereby authorized and empowered, for the enforcement and collection of taxes for municipal purposes, on real and personal property within the City of Charleston, to adopt such of the State legislation heretofore enacted, or hereafter to be enacted, as they may deem expedient, and as may be applicable, with reference to the enforcement and collection of State and County Taxes, and sales of real and personal property for payment of the same, including the levy and sale of real and personal property for delinquent taxes, and the proceedings subsequent to sale, as provided in the Act entitled, "An Act in relation to forfeited lands, delinquent lands and collection of taxes," approved December 24th, 1887, and all amendments thereto: Provided, always, That such municipal legislation shall provide for the priority of State and County Taxes over Municipal Taxes.

Enforcement
and collection of
municipal taxes.

Proviso.

*Chain Gang Law.***EXTRACTS FROM CIVIL CODE, 1902, BEING SECTIONS
772, 773, 774 AND 783.**

*Sentence of
prisoners to hard
labor.*

*Municipal con-
victs.*

*County chain
gang.*

SEC. 772. All the Courts of this State and municipal authorities which, under existing laws, have power to sentence convicts to confinement in prison with hard labor, shall sentence all able bodied male convicts to hard labor upon the public works of the County in which said persons shall have been convicted, and in the alternative to imprisonment in the County Jail or State Penitentiary, at hard labor: *Provided*, That municipal authorities may sentence municipal convicts to work upon the streets and other public works of the municipality in which they have been convicted, and such convicts, when so sentenced, shall work under the exclusive direction and control of the municipal authority imposing sentence: *Provided*, That no convict, whose sentence shall be for a period longer than five years, shall be so sentenced.

SEC. 773. All convicts upon whom may be imposed sentence of labor on the highways, streets, and other public works of a County shall be under the exclusive supervision and control of the County Supervisor and by him formed into a County chain gang and required to labor on the highways, roads, bridges, ferries and other public works or buildings of the County and he shall direct the time, place and manner of labor to be performed by said chain gang: *Provided*, That said chain gang shall not be worked in connection with or near any road contractor or overseer. And all convicts upon whom may be imposed sentence of labor on the highways, streets or other public works of a city or town shall be under the exclusive supervision and control of the munici-

pal authorities of such city or town, or such officer or officers as such municipal authorities may appoint, and by them or him formed into a city or town chain gang, and required to labor on the streets, lanes, alleys, drains and other municipal public work or buildings of such city or town (including public parks owned and controlled by such city or town, whether within or without the corporate limits of such city or town), but on no other highways, streets or other public works in or of the County in which such city or town may be situated: *Provided*, That if any convicts upon whom may be imposed sentence of labor on the highways, streets, and other public works of a County are not formed into a County chain gang, or are not required to labor on the highways, streets and other public works of a County, they may be required to labor on the highways, streets and other public works of any city or town in such County, having a city or town chain gang, upon such terms as may be agreed upon by and between the County Board of Commissioners of such County and the municipal authorities of such city or town.

SEC. 774. The County Board of Commissioners shall diet and provide suitable and efficient guards and appliances for the safe keeping of said convicts. They shall likewise provide all necessary tools, implements and road machines for performing the work required of said convicts, all costs and expenses of which shall be paid out of the County road fund in the same manner as other charges against said fund are paid.

Care of Convicts, tools, etc., expenses.

SEC. 783. In case any convict or convicts so employed by the County Supervisor shall become ungovernable or unfit for the labor required of such convict or convicts, the said Supervisor may commit such convict or convicts to the State Penitentiary or County Jail. And it shall be the duty of the Super-

Surrender of convicts, and safe keeping of.

intendent of the Penitentiary, or the Sheriff of the County, as the case may be, to receive any such convict or convicts so committed. When said chain gang is not employed, or when convenient and practicable, they shall be confined in the County Jail for safe keeping under direction of said Supervisor.

Beggars.

Ratified
Dec. 19, 1795.

AN ACT TO VEST THE CITY COUNCIL OF CHARLESTON WITH CERTAIN POWERS THEREIN MENTIONED.

City Council
authorized to take
up and confine
strolling beggars.

SECTION I. *Be it enacted*, That the City Council of Charleston shall be, and they are, hereby vested with full power and authority to take up and confine to labor (if they are capable thereof) all strolling beggars found strolling and begging about the City of Charleston, and to make such rules and Ordinances for the due regulation of such persons as they shall see fit.

Buildings.

Ratified
June 1, 1838.

AN ACT FOR RE-BUILDING THE CITY OF CHARLESTON.

SEC. 8. And, whereas, the frequent visitation of the City of Charleston by fire, the destruction of property, and the loss of life occasioned thereby, admonish the State of the evil of permitting other than fire-proof buildings in the said City; and, whereas, the funds of the State herein authorized to be advanced on the security of the buildings in the said City may be endangered; and no inducement is offered to individuals to erect fire-proof

buildings so long as others are allowed to build in the immediate neighborhood of combustible materials: for remedy whereof: *Be it enacted*, That hereafter it shall not be lawful to build, put, erect or construct within the City of Charleston any wooden or framed building, or to cover any building with a roof of combustible materials; and every building or construction, framed or constructed of wood, or having more wood on the outside thereof, or the roof of which is constructed otherwise than is prescribed by an Ordinance ratified by the City Council of Charleston on the eighth of May of the present year, entitled "An Ordinance to prevent the erection of wooden buildings, and to provide greater security from fires," shall be, and is hereby declared to be a *public and common nuisance*, and as such shall be abated by the judgment and process of any court of competent jurisdiction; and the persons respectively building, covering or constructing, or instrumental in building, covering or constructing any building, roof, or construction, contrary to this Act, or to the provisions prescribed in the said Ordinance, shall be subject to the same penalties, in all respects, as are provided by the said Ordinance; and all additions which shall be made to houses or buildings already erected, and all houses and buildings which shall be erected on old foundations, in part or in whole, shall be deemed and considered within the provisions, restrictions and regulation of the said Ordinance and this Act; and full power and authority are hereby granted and confirmed to the City Council of Charleston to determine the materials, thickness and construction of the walls and other parts of buildings, of different dimensions and character, within the said City, and to make such other provisions by law as they may deem expedient to promote the erection of safe and convenient fire-proof buildings, and to provide greater security to

Wooden buildings not to be constructed.

Declared common nuisances and to be abated.

Council may prescribe size and materials of walls.

the said City from fires: *Provided, always,* That none of the securities against fire, prescribed by this Act, shall be diminished by any action of the City Council: *And, provided, also,* That the marshes flowed by the tide, within the City, shall be excepted only to such extent as has been excepted by the said City Council.

Ratified
Dec. 20, 1856.

AN ACT TO AMEND THE LAWS IN RELATION TO
THE ERECTION OF WOODEN BUILDINGS IN THE
CITY OF CHARLESTON.

Lawful to erect
wooden build-
ings in Charles-
ton for twenty
years in certain
localities.

Localities pre-
scribed.

Buildings to be
covered with
slate, tin, or other
incombustible ma-
terial.

SECTION I. *Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same,* That, during the next twenty years, all made, marsh, mud, or water lots, in the City of Charleston, situate South of Calhoun Street, and East of that portion of East Bay Street lying North of Market Street, or to the West of Legare, Savage, Franklin, or Wilson Streets, or of that portion of Smith Street from Beaufain to Calhoun Street, shall be exempt from the provisions of the Ordinance of the City of Charleston to prevent the erection of wooden buildings, and to provide greater security against fires, ratified May eighth, in the year of our Lord one thousand eight hundred and thirty-eight; and also from the provisions of the eighth section of the Act for re-building the City of Charleston, ratified June the first, in the year of our Lord one thousand eight hundred and thirty-eight: *Provided,* That every building to be erected on any such lot shall be covered with slate, tin or some other material not combustible: *And provided also,* That after the expiration of the said twenty years the City Council of Charleston, or the General Assembly of the State, may cause to be removed or taken down any of such wooden buildings as they may deem expedient.

SEC. 2. That the wooden buildings which have been erected on any made, marsh, mud, or water lots within the City, since the eighth day of May in the year of our Lord one thousand eight hundred and thirty-eight may continue to stand so long as the City Council or the General Assembly may not deem it for the public good that they, or any of them, should be removed: *Provided, however,* That every such building of more than one story in height, shall, within the next ten years be covered with slate, tin or some other material not combustible, and that the City Council shall cause a register to be made of such buildings, and shall take such measures as shall best carry into effect this Act: *Provided also,* That nothing herein contained shall apply to any suits or prosecutions now pending before any of the Courts.

Wooden buildings erected since May, 1838, may be removed by City Council.

All such buildings over one story to be covered with incombustible material within ten years.

SEC. 3. That after the first day of January, in the year of our Lord one thousand eight hundred and sixty-two, no roof of any house within the City of Charleston shall be repaired with any combustible material; and whenever the roof of any house shall be repaired or renewed with any combustible material, the owner of the building, and all persons who shall make or cause to be made such repairs or unlawful work shall respectively be liable to the penalties which are enacted by the Ordinance of the City Council above recited, against the person building or constructing, or causing to be built or constructed, a wooden building within the limits of the said City; and the person who shall be employed in making such unlawful repairs shall be subject to the penalties enacted by the said Ordinance against persons employed in the building or construction of any building contrary to the provisions of the said Ordinance.

After 1st January, 1862, no roof of any house to be repaired or renewed with any combustible material.

Owner or person making such repairs liable to a penalty for violating this provision.

SEC. 4. That whereas, wooden buildings within the said City have been raised on brick founda-

Unlawful to raise wooden buildings on brick foundations, or add one or more stories, unless the roof be covered with incombustible material.

Penalty for any violation.

Exemption granted to the Upper Wards by Act of Assembly, December, 1849, not to be abridged.

tions, and it is deemed safer to modify such practice, it shall be unlawful after the first day of March next to raise any wooden building on a brick foundation, or to add one or more stories thereto, so that the roof shall be higher than the top of the building as it stood originally unless the roof shall be made of incombustible material. And the owner of any building so raised unlawfully, shall be liable to the same penalties which are enacted by the Ordinance above recited against the persons who shall build or construct, or cause to be built or constructed, any wooden building within the limits of the said City; and the persons employed in raising, unlawfully, such buildings, shall be subject to the same penalties as persons employed in the building or construction of any building contrary to the provisions of the said Ordinance, are subjected to by the provisions of the said Ordinance.

SEC. 5. That this Act is not to be construed so as to abridge in any manner, the exemption granted to the upper Wards of the City of Charleston, by the Act of the General Assembly entitled, "An Act to Extend the Limits of the City of Charleston," ratified the nineteenth day of December, in the year of our Lord one thousand eight hundred and forty-nine.

Approved
March 1, 1870.

AN ACT TO REPEAL AN ORDINANCE ENTITLED, "AN ORDINANCE TO PREVENT THE ERECTION OF WOODEN BUILDINGS, AND TO PROVIDE GREATER SECURITY AGAINST FIRES," AND ALSO CERTAIN PORTIONS OF THE ACTS OF THE GENERAL ASSEMBLY REFERRING TO THE ERECTION OF WOODEN BUILDINGS IN THE CITY OF CHARLESTON.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of South Car-*

olina, now met and sitting in General Assembly, and by the authority of the same, That an Ordinance Repeal.
entitled, "An Ordinance to prevent the erection of wooden buildings, and to provide greater security against fires," passed by the City Council of Charleston, and ratified the eighth day of May, in the year of our Lord one thousand eight hundred and thirty-eight, and such Sections in the Act of the General Assembly entitled, "An Act for rebuilding the City of Charleston," as prohibits the erection of wooden buildings within its corporate limits, ratified on the first day of June, in the year one thousand eight hundred and thirty-eight, together with such provisions of an Act entitled, "An Act to amend the laws in relation to the erection of wooden buildings in the City of Charleston," ratified December the twentieth, in the year one thousand eight hundred and fifty-six, as are amendatory of the Ordinance first above mentioned, be, and the same are hereby, repealed, except as to such portions of the said City of Charleston as are hereinafter described, to wit: Exception of certain localities.
All lots abutting on the West side of King Street, from South Bay to Calhoun Street, and all rear lots, the entrance to which are on said West side of King Street; all that territory lying on the East side of King Street, and North of South Bay Street, and extending Northerly as far as Society Street, and to Cooper River on the East, excepting such made, marsh, mud or water lots as may be located North of Market Street and East of East Bay Street; also, all that territory lying East of King Street, running Northerly to Calhoun Street, commencing at Society Street, and Easterly to Anson Street; all lots abutting on the East side of Anson Street from Calhoun to Society Street, including all rear lots with entrances on said Anson Street; all lots abutting on the North side of Society Street, from Anson Street running East to Cooper River, including all rear Description.

Proviso.

lots with entrances on said Society Street.* *Provided*, That every wooden building to be erected on any part of the lots or territory South of Calhoun Street, exempted from the operation of the Ordinances of said City, and Acts of the General Assembly preventing the erection of wooden buildings, by this Act mentioned, shall be not less than two stories in height; and that all the inner walls of said building, including all partitions and ceilings, shall

Further proviso.

be lathed and plastered. *And provided further*, That said building shall be covered with slate, tin, tiles, or some other materials not combustible. Any person or persons who shall erect any buildings on any of the lots or territory described in the first provision of this Section as exempt from the operation of the Ordinances of said City, and Acts of the General Assembly, preventing the erection of wooden buildings contrary to any of the provisions of this Act, upon proof to conviction, shall be fined in the sum not less than three hundred, nor more than six hundred dollars. *And provided further*, That nothing in this Act shall be construed as repealing any portion of an Ordinance entitled, "An Ordinance to regulate the erection of steam-engines and machinery propelled by steam within the City," passed by the City Council of Charleston, and ratified the eleventh day of January, in the year of our Lord one thousand eight hundred and forty-five.

SEC. 2. All Acts or parts of Acts, Ordinances or parts of Ordinances, inconsistent with this Act, are hereby repealed.

AN ACT TO AMEND AN ACT ENTITLED, "AN ACT TO REPEAL AN ORDINANCE TO PREVENT THE ERECTION OF WOODEN BUILDINGS, AND TO PROVIDE GREATER SECURITY AGAINST FIRES, AND ALSO CERTAIN PORTIONS OF THE ACTS OF THE GENERAL ASSEMBLY REFERRING TO THE ERECTION OF WOODEN BUILDINGS IN THE CITY OF CHARLESTON."

Approved
Dec. 23, 1886.
19 Stat., 538.

Be it enacted by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That an Act entitled, "An Act to repeal an Ordinance to prevent the erection of wooden buildings, and to provide greater security against fires, and also certain portions of the Acts of the General Assembly referring to the erection of wooden buildings in the City of Charleston," approved March 1, 1870, be, and the same is hereby, amended by striking out the words "all lots abutting on the West side of King Street from South Bay to Calhoun Street, and all rear lots the entrance to which are on said West side of King Street, and all territory lying on the East side of King Street and North of South Bay Street, and extending Northerly so far as Society Street, and to the Cooper River on the East, excepting such made, marsh, mud or water lots as may be located North of Market Street and East of East Bay Street; also all that territory lying East of King Street, running Northerly to Calhoun Street, commencing at Society Street and Easterly to Anson Street; all lots abutting on the East side of Anson Street from Calhoun to Society Streets, including all rear lots with entrances on said Anson Street; all lots abutting on the North side of Society Street from Anson Street running East to Cooper River, including all rear lots with entrances on said

A. A. 1870, § 1,
14 Stat., 412,
Amended.

Limits prescrib-
ed in former
Act.

Limits
amended.

Consent of
City Council.

City Council
may permit
wooden buildings
in certain limits.

Society Street," in the first Section thereof, and inserting in lieu thereof the words "all lots abutting on the East and West sides of King and Meeting Streets from Broad Street to Calhoun Street, and all rear lots the entrance to which are on said parts of King Street and Meeting Street; all lots abutting to the East and West sides of East Bay Street from Stoll's Alley to Society Street, and all rear lots the entrances to which are on said parts of East Bay Street, and all that territory lying to the East of East Bay Street from Stoll's Alley to Society Street, excepting such made, marsh, mud or water lots as may be located North of Market Street and East of East Bay Street; all lots on the North and South sides of Broad Street from East Bay Street to King Street, and all rear lots the entrance to which are on said part of Broad Street. *Provided*, That no tenement building be erected on any lot in said City without the consent of the City Council of Charleston. *Provided further*, That the City Council of Charleston shall have the power, and they are hereby authorized by Ordinance, at any time to permit the erection of wooden buildings in all or any part of the following described additional territory, to wit: All lots abutting on the East and West sides of King Street and Meeting Street between Broad and Queen Streets; all lots abutting on the North side of Broad Street and South side of Queen Street between Church and King Streets, and all lots the entrances to which are on said parts of King, Meeting, Broad and Queen Streets." *

* This Act is amended by inserting the words "and on the East side of Meeting Street and North side of George Street at the Northeast corner of George and Meeting Streets for a distance of 112 feet on Meeting Street and 75 feet in depth on George Street and the same depth on the north line of said lot," after the words "all lots abutting on the East and West sides of King Street and Meeting Street, between Broad and Queen Streets," in the last proviso. See A. A. December 19, 1892. 21 Stat., 191.

AN ACT TO AUTHORIZE THE CITY COUNCIL OF CHARLESTON TO ORDAIN THE NECESSARY ORDINANCES FOR THE PROTECTION OF LIFE IN CASE OF FIRE OR ACCIDENT IN BUILDINGS IN SAID CITY.

Approved
Dec. 21, 1883.
18 Stat., 298.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the City Council of Charleston be, and they are hereby authorized, to pass all necessary Ordinances, rules and regulations for the protection of life in cases of fire or accidents in any and all buildings in said City, with power to fix penalties for the non-observance of such Ordinances, rules and regulations.*

SEC. 2. That the officers and other persons who may be appointed by the City Council of Charleston to execute the provisions of such Ordinances, rules and regulations shall, as far as may be necessary for the performance of their respective duties, have the right to enter any building or premises in said City of Charleston.

City Council authorized to pass Ordinances, etc., for protection of life in cases of fire, etc.

Officers to enter building in the discharge of their duties.

AN ACT TO PREVENT INJURY FROM UNSAFE BUILDINGS IN THE CITY OF CHARLESTON.

Approved
Dec. 23, 1883.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That if any building, or part of a building, staging or other structure, or anything attached to or connected with any building, or any other structure, in the City of Charleston shall, from any cause, be reported dangerous or unsafe, so as to endanger life and limb, it shall be the*

Building or structure reported unsafe.

To be inspect-
ed, and owner or
agent notified.

Time allowed
owner to make
same safe.

Immediate action.

If owner
neglect.

Survey to be
made by three
persons.

Where owner
neglects to ap-
point.

duty of the Chief of Police and Mayor of the said City to inspect such structure, and if, in their opinion, the same be dangerous, they shall immediately notify the owner, agent, or other party having an interest in said structure, to cause the same to be made safe and secure, or removed, as may be necessary.

SEC. 2. The person or persons so notified shall be allowed until twelve o'clock noon of the day following the service of such notice in which to commence the securing or removal of the same; and he or they shall employ sufficient labor to remove or secure the same as expeditiously as can be done. *Provided, however,* That in cases where the public safety requires immediate action, the Chief of Police and Mayor of the said City may enter upon the premises with such workmen and assistants as may be necessary, and cause the said unsafe structure to be shored up, taken down, or otherwise secured without delay, and a proper fence or boarding to be put up for the protection of passers-by.

SEC. 3. If the owner, agent, or other party interested in the said unsafe structure, having been notified, shall refuse or neglect to comply with the requirements of said notice within the time specified in Section 2, then a careful survey of the premises named in said notice shall be made by three disinterested persons, one to be appointed by the Chief of Police and Mayor of the City, one by the owner or other interested party, and the third chosen by these two, and the report of such survey shall be reduced to writing, and a copy served upon the owner or other interested party; and if said owner or other interested party refuse or neglect to appoint a member of such Board of Survey, then the survey shall be made by the City Engineer and the Chief of the Fire Department of Charleston, and in case of disagreement, they shall choose a third person.

SEC. 4. Whenever the report of any such survey, had as aforesaid, shall declare the structure to be unsafe, or dangerous to life and limb, the Chief of Police and the Mayor of the said City shall, upon continued refusal or neglect of the owner or other interested party, cause such unsafe or dangerous structure to be taken down, or otherwise made safe; and the costs and charges shall become a lien upon said estate, to be collected according to law, but without prejudice to the right which the owner thereof may have to recover the same from any lessee or other person liable for expense of repairs. *Provided*, That nothing herein contained shall authorize the recovery by the lessor of the lessee of the cost of any charges which may have been rendered necessary through the default or negligence of the lessor, or through want of repair, or defects existing in said premises at the commencement of the lease.

Continued re-fusal or neglect.

Costs and charges.

Proviso.

SEC. 5. Upon the citation of any structure as unsafe or dangerous, by the Chief of Police and Mayor of the said City, if the owner or other interested party, being notified thereof in writing, shall refuse or neglect to cause the said structure to be taken down, or otherwise made safe, said owner or other interested party shall forfeit to the use of said City, for every day's continuance of said refusal or neglect, a sum not more than twenty dollars; said sum to be recoverable as debts are now by law recoverable.

Forfeiture for every day's neg-lect.

SEC. 6. Any owner or other interested person aggrieved by any such order may, within three days after the service thereof upon him, apply for a jury to the Court of Common Pleas, if sitting in the County, or to any Judge thereof in vacation. The Court or Judge shall issue a warrant for a jury to be empaneled by the Clerk of the Court within fourteen days from the date of the warrant, in the

Jury trial.

Warrant for jury.

Finding of jury.

Costs of trial.

Trial prevent not other to rights.

Building in process of erection.

Injunction.

Building dangerous at fire.

manner provided in Section 1551 of the General Statutes of the State.

SEC. 7. The jury may affirm, annul or alter such order, and the Sheriff shall return the verdict to the next term of the Court for acceptance, and being accepted, it shall take effect as an original order.

SEC. 8. If the order is affirmed, cost shall be taxed against the applicant; if it is annulled, the applicant shall recover damages and costs against the City; if it is altered in part, the Court may render judgment as to cost as justice may require.

SEC. 9. Nothing contained in the three preceding Sections shall be construed to bar the right of the City to recover the penalty enacted in Section 5 for the continuance of the refusal or neglect of the owner or owners, or other interested party or parties, to cause the structure in question to be taken down, or otherwise made safe, unless the order is annulled by the jury; but in default of such annulment, the City shall have the right to recover said penalty from the day of the original notice, as enacted in said Section.

SEC. 10. In case the building or structure cited as unsafe or dangerous shall be in process of erection, alteration or repair, it shall be lawful for the Judge of the Court of Common Pleas, or any Judge thereof, either in term time or vacation, to issue forthwith an injunction restraining further progress in the work on said building, until the facts of the case shall have been investigated and determined, as herein provided.

SEC. 11. If any building in the City of Charleston shall appear, upon examination by the Chief of Police and Mayor of the said City, to be specially dangerous to life or limb, to members of the Fire Department, or to citizens in case of fire, by reason of insufficient thickness of walls, overloaded floors, defective construction, or other causes, such building

shall be held and taken to be dangerous, within the meaning of, and subject to the provisions of this Act; and the Chief of Police and Mayor of the said City, besides proceeding as hereinbefore provided, may affix a notice of the dangerous character of the structure to a conspicuous place on the exterior wall of said building.

Notice to be posted.

SEC. 12. Any person or persons removing such notice so affixed, shall be liable to a penalty of not less than ten, nor more than fifty dollars for each and every offence, or to imprisonment not exceeding thirty days.

Penalty for removing notice.

AN ACT TO PUNISH MALICIOUS INTERFERENCE
WITH THE FIRE ALARM TELEGRAPH OF THE
CITY OF CHARLESTON.

Approved
March 18, 1878.
16 Stat., 505.

Be it enacted by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That from and after the passage of this Act, any person or persons who shall wilfully and maliciously interfere with, cut or injure, or who shall maliciously attempt to interfere with, cut or injure any pole or poles, wire or wires, insulator or insulators, alarm box or alarm boxes of the fire alarm telegraph of the City of Charleston, or any of the appliances or apparatus connected therewith, shall be deemed guilty of a felony, and, upon conviction, shall be sentenced to hard labor in the State Penitentiary for a term not less than three, nor more than ten years. Provided, That nothing in this Act shall apply to the Superintendent of said fire alarm telegraph, or to his agents or servants, whilst discharging their duties as such.

Felony to injure any part of telegraph.

Proviso.

Approved
Dec. 20, 1881.
17 Stat., 602.

AN ACT TO AUTHORIZE AND EMPOWER THE CHIEF OF THE FIRE DEPARTMENT OF THE CITY OF CHARLESTON TO INVESTIGATE AND INQUIRE INTO THE ORIGIN OF FIRES OCCURRING IN THE CITY OF CHARLESTON.

Chief of Fire
Department to
examine cause of
fires.

Report to
Chief of Police.

Witnesses may
be summoned.

Be it enacted by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That from and after the passage of this Act, it shall be the duty of the Chief of the Fire Department, or, in case of his absence, one of the Assistant Chiefs of the Fire Department of the City of Charleston, to examine into the cause, circumstances and origin of any fire occurring in the City of Charleston, by which any building, vessels, vehicles, or any valuable personal property shall be accidentally or unlawfully burned, destroyed or damaged, wholly or partially, and to especially inquire and examine whether the fire was the result of carelessness, or the act of an incendiary; shall take the testimony, on oath, of all persons supposed to be cognizant of any facts, or to have means of knowledge in relation to the matters herein required to be examined and inquired into, and cause the same to be reduced to writing, verified and transmitted to the Chief of Police of the said City, with his report in writing embodying his opinions and conclusions in relation to the matter investigated. That for the purpose of making the examination and investigation herein provided for, the said Chief, or the Assistant, as the case may be, shall have power to issue a notice in the nature of a subpoena, in such form and subscribed in such manner as the Recorder of the City of Charleston shall prescribe, to compel the attendance of any person as a witness before him to testify in relation to any matter which is, by

the provisions of this Act, a subject of inquiry and investigation by the said Chief, or his Assistant, as the case may be; and the Chief, or the Assistant Chief, be, and are hereby authorized to administer and verify oaths and affirmations to persons appearing as witnesses before him; and false swearing in any matter or proceeding as aforesaid shall be deemed perjury, and shall be punishable as such. That upon the presentation of satisfactory proof of due service of any such notice in the nature of a subpoena upon any such witness, and of a failure by such witness to obey the same, it shall be the duty of the said City Recorder to make an order that the said witness be arrested and brought before the said Chief, or the Assistant Chief, as the case may be, to testify what such witness may know in relation to the subject-matter of inquiry; such order may be executed by any member of the police force of the City of Charleston, by arresting and bringing such witness before the said Chief, or Assistant Chief, as the case may be, but such witness shall not be detained longer than is necessary to take such testimony. That the said Chief, or Assistant Chief, shall have authority at all times of the day or night, in performance of the duties imposed by the provisions of this Act, to enter upon and examine any building or premises when any fire shall have occurred, and the buildings adjoining and near to that in which the fire occurred. That it shall be the duty of the Chief of Police of said City to detail any members of the police force to aid the said Chief or Assistant Chief in carrying out the provisions of this Act.

False swearing
deemed perjury,
and punished as
such.

Witnesses may
be arrested.

Power to enter
buildings or prem-
ises.

May detail
members to aid
Chief.

Board of Health.

CODE OF SOUTH CAROLINA, 1902.

Approved
Dec. 21, 1883.
XVIII Stat., 291.

Duties of existing Boards of Health and others hereafter appointed, as to adulteration of food.

As to unwholesome meat, vegetables or fruits.

As to nuisances.

As to epidemic or contagious diseases.

As to quarantine.

As to slaughter of cattle, etc.

As to offal, etc.

As to nuisances in highways, or any other place, public or private.

As to sewers and garbage.

As to filling low lots.

SEC. 1108. It shall be the duty of all existing Boards of Health, also of all that may hereafter be appointed under this Act, to aid the municipal authorities in the enforcement of all State laws as to the adulteration of all kinds of food and drink, and to prevent the sale or the exposure for sale of any kind of meat, or vegetables or fruits, or other articles of food that are unwholesome or unfit for food, and also to define and declare what shall be nuisances to health in lots, streets, docks, ponds, wharves, piers, vessels, and all public or private places in such city or town, or in any part thereof; and to prevent the spread of dangerous epidemic or contagious diseases in such city or town, or in any part thereof, and also to maintain and enforce a proper quarantine, whenever this may be deemed expedient or necessary by the State Board of Health, and approved by the Governor; and to regulate and control the keeping or slaughter of all kinds of cattle, sheep, goats and swine, or other animals, in any city or town, or in any part thereof; and to regulate and prohibit the accumulating of offal and all decaying or injurious vegetables or other substances in any place in such city or town, public or private; and to prohibit and remove any nuisance or offensive matter in any public highway, road, street, or other place, public or private, in such city or town, and to cause the removal of the same at the expense of the owner thereof, if he decline to remove it after notice to that effect; and to regulate and control, or prohibit the cleansing of sewers and the dumping of garbage, or using of noxious or unsuitable material for filling town lots, marshes, ponds, and other places, and to provide for filling of sunken or low lots, and other places, in any part of said city or town.

Sub-Boards constituted as provided in Section 1087, and local Boards of Health, are charged with the duty of investigating within their districts all matters of sanitary interest or scientific importance bearing in anywise upon the protection of the public health, and shall report to the Executive Committee at such times, and in such manner and form as the Executive Committee may prescribe.

SEC. 1109. Whenever such nuisance, source of foulness, or cause of sickness, hazardous to public health, shall be found on private property, the Board of Health of the city or town within whose limits it may be, shall at once notify the municipal authorities, who shall require the owner to remove and abate the same at his own expense, within such time as the Board may deem the public health to require, a duplicate of the notification being left with one or more of the tenants or occupants.

If the owner or agent is unknown, resides out of the State, or cannot be reached with the notice speedily enough for the necessities of the public health, a notice left at the house or premises with the tenant or occupant, or published in a newspaper printed in the County, and if there is no such newspaper, posted on the door of the Court House or Post Office, shall suffice; and if the owner thus notified shall not comply with such notification or order within the time specified, the municipal authorities shall proceed to remove said nuisance, source of foulness, or cause of sickness, hazardous to public health, and shall have a right to recover the expenses incurred in such removal from any person or persons who shall have caused, or allowed the same, or from any occupant or tenant of premises, or in case it affect the freehold, from the owner, who, after notice as aforesaid, shall have failed to remove such nuisance, source of foulness or cause of sickness, hazardous to the public

Powers of the Boards of Health to require municipal authorities to abate nuisances hazardous to public health.

If owner absent, how notice is to be served.

Proceedings upon failure to comply with notification.

Expenses to be paid by person causing nuisance.

health, within the time specified in such notice. Nothing herein contained shall be held to bar an action for damages by such owner, occupant or tenant, for unlawful proceedings in the premises.

**Power of Board
Education, School
Trustees, &c., to
prevent the spread
of contagious or
infectious diseases.**

SEC. 1110. Any Board of Education, School Trustees or any other body having control of any of the schools, may, on account of the prevalence of any contagious or infectious disease, or to prevent the spread of any such disease, prohibit the attendance of any teacher or scholar upon any school under their control, and may specify the time such teacher or scholar shall remain absent, or they shall require a satisfactory certificate from one or more reputable practicing physicians that such attendance is no longer attended with risk to others attending school, and may also prohibit the entrance into or attendance at any school of all unvaccinated persons who have not had the smallpox. The said Board of Control or Trustees may also require vaccination of any or all teachers, scholars and attendants, if a case of smallpox has occurred in the city or town.

Approved.
Dec. 15, 1892.
21 Stat., 110.

AN ACT TO AMEND SECTION 1026 OF THE GENERAL STATUTES RELATING TO THE PUBLIC SCHOOLS IN THE CITY OF CHARLESTON.

**Section 1026 of
General Statutes
amended so as to
pay City Treasurer
\$500, instead
of \$1,000, for re-
ceiving and dis-
bursing school
fund.**

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That Section 1026 of the General Statutes of this State, wherein provision is made for the City Board of School Commissioners of the City of Charleston, and a special levy in aid of the City Schools, be amended by striking out the last sentence in said Section, which is as follows: "The City Treasurer shall receive out of this fund one thousand dollars annually for all services in re-

ceiving and disbursing the School fund," and by inserting in lieu thereof the following: The City Treasurer shall receive out of this fund annually for his compensation for all services in receiving and disbursing the School fund the sum of five hundred dollars.

Interments and Cemeteries.

AN ACT TO AUTHORIZE THE CITY COUNCIL OF CHARLESTON TO PREVENT INTERMENTS IN THE SAID CITY WITHOUT A PROPER CERTIFICATE OF THE DISEASE OF WHICH THE DECEASED DIED, AND FOR OTHER PURPOSES.

Ratified.
Dec. 19, 1849.
XI Stat., 588.

SECTION 1. *Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same,* That from and after the passing of this Act, the City Council of Charleston shall be, and is hereby authorized, to prevent interments within the corporate limits of the said City of Charleston, without a proper certificate of the disease of which the deceased died, and to pass all Ordinances necessary to prevent the same.

City Council authorized to prevent interments without a proper certificate, and to pass Ordinances to prevent the same.

SEC. 2. And the said City Council of Charleston are further authorized and empowered to require physicians and coroners, under a penalty, to give such certificates; and they are also empowered to establish a more effectual system for the registration of births, deaths, and marriages, within the said City.

Empowered to require physicians and coroners to give certificates.

Approved
Dec. 21, 1880.
XVII Stat., 331.

AN ACT TO AMEND AND ENLARGE AN ACT ENTITLED "AN ACT TO AUTHORIZE THE CITY COUNCIL OF CHARLESTON TO PREVENT INTERMENTS IN THE SAID CITY, WITHOUT A PROPER CERTIFICATE OF THE DISEASE OF WHICH THE DECEASED DIED, AND FOR OTHER PURPOSES," BEING ACT NO. 3083, APPROVED DECEMBER 19, 1849.

Be it enacted by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the Act of the General Assembly of the said State, entitled "An Act to authorize the City Council of Charleston to prevent interments in the said City without a proper certificate of the disease of which the deceased died and for other purposes," being Act No. 3083, approved December 19, 1849, be, and the same is hereby, amended by adding the following Section to said Act, to wit:

SEC. 3. No person having charge of any cemetery, vault or other burial ground within two miles of the limits of the City of Charleston, shall inter or permit to be interred therein any dead body, until he shall have first received from the hearse-keeper or other person offering such body for interment such certificate as is now or may hereafter be required by the Ordinances of the City of Charleston, to be delivered with dead bodies interred within the limits of the City of Charleston. And it shall be the duty of such person in charge of any such place of burial to enter such certificate or certificates in a book to be kept by him for that purpose, and to deliver the original certificate or certificates each day, as received, to the Register of the City of Charleston; and for any and every violation of this Section, such keeper shall forfeit and pay for the use of the

Hearse-keepers
to give certificate.

Certificates to
be entered in a
book.

Penalty.

City Council of Charleston the sum of fifty dollars, to be recovered by action in any court of competent jurisdiction.

Low Lots.

AN ACT TO APPOINT A BOARD OF COMMISSIONERS FOR THE CITY OF CHARLESTON, WITH POWER AND AUTHORITY TO DECLARE IN WHAT CASES THE STREETS, LANES AND ALLEYS OF THE CITY SHALL BE WIDENED, AND TO PROVIDE FOR CARRYING INTO EXECUTION THE OBJECTS OF THE SAID BOARD, AND FOR OTHER PURPOSES THEREIN MENTIONED.

SECTION 4. That the City Council of the City of Charleston shall have full power and authority, with the concurrence and approbation of the Board appointed by the Legislature, to compel the owners of low lots within the said City to drain the same if such drainage be practicable, or to fill the same to the level of the streets on which such lots are fronting; also to compel the owner or owners of cellars occasionally filled with water, to cause the same to be pumped out or otherwise carried off within five days, or to fill up the same if deemed requisite by the Commissioners appointed by this Act, within two weeks from the notification being given in writing to such owner or owners; and in case of neglect or default they shall be subject to such penalty as shall be prescribed by the City Council; and in case the owner or owners of such lot or lots, or cellars, upon such notice being given, shall neglect or refuse to fill up such lot or lots, or cause the water in their cellars to be pumped out, or otherwise carried off, the same shall be done by the City Council; and they are hereby authorized and empowered to issue a warrant and collect the expenses

Ratified
Dec. 17, 1817.
VII Stat., 136.

City Council
authorized to com-
pel owners of
low lots to drain
or fill the same.

arising from the same, or the accrued value of such lots.

Ratified
Dec. 19, 1827.
VII Stat., 143.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO APPOINT A BOARD OF COMMISSIONERS FOR THE CITY OF CHARLESTON, WITH POWER AND AUTHORITY TO DECLARE IN WHAT CASES THE STREETS, LANES, AND ALLEYS OF THE CITY SHALL BE WIDENED, AND TO PROVIDE FOR CARRYING INTO EXECUTION THE OBJECTS OF THE SAID BOARD," AND FOR OTHER PURPOSES THEREIN MENTIONED.

Preamble.

WHEREAS, by the fourth Section of an Act of the General Assembly of this State, passed the seventeenth of December, in the year one thousand eight hundred and seventeen, entitled "An Act to appoint a Board of Commissioners for the City of Charleston, and for other purposes therein mentioned," it was provided that the said Board of Commissioners should concur in the exercise of the powers therein granted to the City Council of Charleston, in relation to low lots and cellars within the City of Charleston; and, whereas, it has been frequently found impracticable to obtain a meeting and concurrence of the said Board when it was necessary to act with promptness:

Authority for
filling up low lots
and cellars vested
exclusively in the
City Council.

SECTION 1. *Be it enacted*, That so much of the fourth Section of the Act aforesaid as requires the concurrence of the Board of Commissioners in the exercise of the powers therein specified, be, and the same is hereby repealed; and that all the power and authority aforesaid, be, and the same is hereby vested exclusively in the City Council of Charleston.

AN ACT TO AUTHORIZE THE CITY COUNCIL OF
 CHARLESTON TO FILL UP LOW LOTS AND
 GROUNDS IN THE CITY OF CHARLESTON, IN CERTAIN CASES, AND FOR OTHER PURPOSES.

Rated
Dec. 18, 1830.

SECTION 1. *Be it enacted*, That whenever the City Council of Charleston, shall be of opinion that any lots or grounds within the City of Charleston, belonging to any person or persons, body or bodies corporate, are in a state of nuisance, or so situated that in warm and unhealthy seasons a nuisance may thereby be created, and the health of the citizens endangered; or, whenever the land or streets in the vicinity of said lots may become liable to injury therefrom; the City Council of Charleston shall have full power and authority to cause a notice to be served on the owner or owners of such lots or grounds, directing him or them to have the same filled up to such extent, in such manner, with such materials and within such reasonable time as may be prescribed in such notice; and in case the owner or owners of such lots or grounds shall neglect or refuse to fill up said lots or grounds in conformity with said notice, that then the said City Council are hereby authorized and empowered to have such lots and grounds filled up to such extent, and in such manner, as they may think fit.

Low lots in a state of nuisance to be filled up.

Notice to be served on owners.

SEC. 2. All expenses and charges paid or incurred by the said City Council, in case such lots or grounds shall be filled up under their authority and direction, as aforesaid, shall and may be recovered, with interest and cost of suit, in an action of debt, to be brought by said City Council in the Court of Common Pleas, against the owner or owners of such lots or grounds: *Provided*, The said expenses and charges do not exceed more than half the value of said lots or grounds.

Expenses for filling up such lots to be recovered in Court of Common Pleas.

Approved
Dec. 21, 1883.
18 Stat., 287.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO AUTHORIZE THE CITY COUNCIL OF CHARLESTON TO FILL UP LOW LOTS AND GROUNDS IN THE CITY OF CHARLESTON IN CERTAIN CASES, AND FOR OTHER PURPOSES.

SECTION I. *Be it enacted by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same,* That an Act entitled "An Act to authorize the City Council of Charleston to fill up low lots and grounds in the City of Charleston in certain cases, and for other purposes," be, and the same is hereby amended by adding to Section II of said Act the following words, to wit: *Provided, further,* That if the estimated expenses and charges of filling said lots or grounds shall exceed more than half the value thereof, then and in that event the said City Council of Charleston shall have power, and they are hereby authorized, to condemn the said lot or lots, and upon paying to the owner or owners the price that may be fixed therefor as hereinafter provided the title thereof shall vest in the said City Council of Charleston, who shall proceed to abate the said nuisance and sell the said lot or lots and reimburse themselves for all expenses and charges. That for the purpose of such condemnation the City Council of Charleston shall file a petition in the City Court of Charleston setting forth the necessity of filling such lots, and that the owner or owners have refused or failed to fill the same upon being notified as provided by law, and that the estimated cost of filling the same will exceed more than half the value of said lot, a copy of which petition shall be served upon the owner or owners of said lot as summons are now served in cases at law. That the Judge of said City Court shall there-

When City
Council may con-
demn lots to be
filled up.

How such con-
demnation is
made.

Judge of City
Court to provide
a jury to fix the
value of said
lots.

upon cause a jury to proceed to fix the value of said lot or lots to be paid by the City Council of Charleston.

How to be paid
for.

Orphan-House.

AN ACT TO VEST IN THE CAMDEN ORPHAN SOCIETY, AND IN OTHER CHARITABLE SOCIETIES THEREIN MENTIONED, THE ESCHEATED PROPERTY THEREIN MENTIONED.

Ratified
Dec. 21, 1799.

SECTION 15. *Be it enacted*, That all the escheated property in the two Parishes of St. Philip and St. Michael, now escheated, or which shall hereafter be escheated to this State, situated in the said Parishes, not exceeding fifty thousand dollars,* shall be and the same is hereby vested in the City Council of Charleston, for the benefit of the Orphan-House of Charleston; and the said City Council of Charleston shall be, and they are hereby, vested with all the powers necessary for escheating, selling, and appropriating the said property for the benefit of the Orphan-House.

Escheated prop-
erty vested in
City Council for
Orphan-House.

AN ACT TO AUTHORIZE THE CITY COUNCIL OF CHARLESTON TO ASCERTAIN AND DEFINE THE WARDS WITHIN THE CITY, TO APPOINT AN ESCHEATOR, AND FOR OTHER PURPOSES THEREIN MENTIONED.

Ratified
Dec. 19, 1805.
7 Stat., 122.

SECTION 2. *And be it further enacted by the authority aforesaid*, That the City Council of Charleston be, and they are hereby authorized, as escheators, to appoint a deputy escheator.

* Amended to \$100,000 by A. A. 1878, 16 Stat., 731, inserted below.

Ratified
Dec. 23, 1878.
16 Stat., 731.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO VEST IN THE CAMDEN ORPHAN SOCIETY, AND IN OTHER CHARITABLE SOCIETIES THEREIN MENTIONED, THE ESCHEATED PROPERTY THEREIN MENTIONED," PASSED 21ST DECEMBER, 1799.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same,* That Section fifteen of an Act entitled "An Act to vest in the Camden Orphan Society, and in other charitable societies therein mentioned, the escheated property therein mentioned," passed on the twenty-first day of December, 1799, be amended by striking out the word "fifty" from the fourth line of said Section, where it occurs after the word "exceeding," and inserting in lieu thereof the words "one hundred."

Police.

Ratified
Dec. 19, 1855.
XII Stat., 421.

AN ACT TO ENLARGE THE POWERS OF THE COMMISSIONED OFFICERS OF THE CITY GUARD, AND POLICE OFFICERS OF THE CITY OF CHARLESTON.

Police officers
authorized to arrest without warrant persons violating any laws of the State.

SECTION 1. *Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same,* That any commissioned officer of the City Guard, or any of the police officers of the City of Charleston, shall have power to arrest, without a warrant, any person or persons, within the corporate limits of the said City, who shall, at any time, be engaged in violating any of the laws of the State; or any one

who has been engaged in such violation, and who flies and is immediately pursued; and every such officer of the City Guard shall have authority, upon hearing loud and tumultuous noises, leading to the apprehension of riot or breach of the peace within any house or enclosure in the City, to enter without warrant, and with such force as may be necessary, the house or enclosure wherein such noises are heard.

Authorized to enter any house, without a warrant, upon hearing loud and tumultuous noises.

SEC. 2. That any privates of the City Guard, or other citizens, who may in the cases provided for in this Act, be called in to the assistance of such commissioned officer of the City Guard, shall be entitled to all the immunities and exemptions intended to be secured to the officers aforesaid.

Privates of the police and citizens called to the assistance of such officers entitled to the immunities and exemptions secured to such officers.

AN ACT TO EXTEND THE DUTIES AND POWERS OF THE CITY COUNCIL OF CHARLESTON OVER CERTAIN CONTIGUOUS TERRITORY OF CHARLESTON COUNTY.

Approved
Dec. 24, 1835.
XIX Stat., 194.

WHEREAS, The State Road between the City Boundary of Charleston and the County line is a thoroughfare constantly in use by the citizens of Charleston for the purpose of recreation, exercise and pleasure, as well as of business; and

Preambles.

WHEREAS, It is important that every precaution be taken for the preservation of the public peace along and in the neighborhood of said thoroughfare:

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same,* That the police of the City of Charleston shall have the same right and authority to preserve, and the same means of enforcing the public peace upon said thoroughfare,

Rights of Police between City Limits and County Line.

and Cooper River on the one side and Ashley River on the other, between the City Boundary and the County line, as they may have within the limits of the City of Charleston.

CRIMINAL CODE S. C., 1902.

Approved
Dec. 22, 1888.
XX Stat., 8.

TO PUNISH MALICIOUS INTERFERENCE WITH THE POLICE ALARM AND SIGNAL SERVICE OF ANY CITY OR OTHER MUNICIPAL CORPORATION.

*Interference
with made a fel-
ony.*

Punishment.

SECTION 156. Any person or persons who shall willfully and maliciously interfere with, cut, or injure, or who shall maliciously attempt to interfere with, cut or injure any pole or poles, wire or wires, insulator or insulators, alarm box or alarm boxes, of the police alarm and signal service of any city or other municipal corporation, or any of the appliances or apparatus connected therewith, shall be deemed guilty of a felony, and punished by fine or imprisonment in the discretion of the court.

Sewerage.

Approved
Dec. 24, 1884.
XVIII Stat., 785.

AN ACT TO AUTHORIZE THE CITY COUNCIL OF CHARLESTON TO ORDAIN THE NECESSARY ORDINANCE FOR THE ESTABLISHMENT AND MAINTENANCE OF A SYSTEM OF SEWERAGE IN THE CITY OF CHARLESTON.

Preamble.

WHEREAS, The Board of Health of the City of Charleston has decided that the system of privy vaults and retention of human excreta and other putrifying substances about the lots and buildings are sources of disease in said City, and have recommended the establishment of some amended system

of sewerage that will remove or correct these evils; therefore

SECTION 1. *Be it enacted, etc.*, That the City Council of Charleston, in addition to the powers now vested in them by law, be, and they are hereby, authorized to pass all necessary Ordinances, rules and regulations for the establishment, maintenance and enforcement of a system of sewerage in the streets, private lots and dwellings in the City of Charleston.

*City Council of
Charleston to es-
tablish sewerage
system.*

SEC. 2. That the said City Council of Charleston be, and they are hereby authorized to contract with any person or corporation for the building, maintenance and use of a system of sewerage works in said City, and to pass all necessary Ordinances, rules and regulations for the enforcement of the same, with like penalties as provided in the first Section of the Act.

To contract for.

And enforce.

SEC. 3. That the officers and other persons who may be appointed to execute the provisions of such Ordinance, rules and regulations, shall, as far as may be necessary for the performance of their respective duties, have the right to enter any building or premises in said City of Charleston between the hours of 9 A. M. and 5 P. M.

*Power to enter
buildings and
premises.*

SEC. 4. That this Act shall go into effect on the first day of December, 1885.

*When to take
effect.*

Streets.

AN ACT TO PREVENT THE OPENING OF STREETS,
LANES, ALLEYS, AND COURTS, WITHIN THE
CITY OF CHARLESTON, WITHOUT PERMISSION
SPECIALLY OBTAINED.

*Ratified
Dec. 21, 1799.
VII Stat., 115.*

WHEREAS, narrow and confined streets, lanes, and alleys, are disadvantageous to every City, exposing

Preamble.

the buildings so situated to greater dangers by fire, and the inhabitants thereof, by close and confined air, to malignant diseases; and, moreover, do greatly obstruct the free passage of persons and carriages: *And, whereas,* The corporation of Charleston can impose no penalty which would be sufficient to prevent persons from acting in opposition to the regulations intended to be prescribed by this Act:

No street, &c.,
to be opened until
the design shall
have been sub-
mitted to the
Commissioners of
Streets., &c.

If Council ap-
prove, the street
may be opened,
&c.

SECTION 1. *Be it therefore enacted,* That from and after the passing of this Act, no street, lane, alley or court shall be opened, laid out, or established within any part of the City of Charleston, until the design of the same shall have been previously submitted to the Commissioners of the Streets; who are hereby required, within ten days after application to them, made as aforesaid, to view such intended street, lane, alley or court, and report thereon, with their opinions thereof, to the City Council. And, if the said City Council shall find that such intended street, lane, ,alley or court, possesses a sufficient passage-way, and that the same will not be incommodious or prejudicial to the citizens, such street, lane, alley or court, shall then be opened, and forever thereafter be deemed, held, and taken as a public street.

Penalty for op-
ening a street
contrary to this
Act.

SEC. 2. That no person or persons, holding any freehold or leasehold estate, or by any other right or title whatever in the occupancy of land, shall at any time hereafter lay out, open or establish any street, lane, alley or court, contrary to the regulations hereby intended; and every such owner or other person, interested in the occupancy of any land, so violating the provisions of this Act, shall incur a penalty of any sum not exceeding forty dollars for each and every week the same shall be and remain open; which said penalty shall be recoverable in the Court of Common Pleas.

CIVIL CODE OF SO. CA., 1902.

Approved
Dec. 24, 1884.
XVIII Stat., 781.

A MODE OF PROCEDURE BY WHICH LANDS MAY BE
TAKEN BY CITIES AND TOWNS FOR STREETS,
ROADS AND HIGHWAYS FOR PUBLIC USE.

SECTION 1396. Whenever the Mayor and Aldermen of any city or the Intendants and Wardens of any town in the State shall think it expedient to widen, open, lay out, extend, or establish any street, alley, road, court, or lane, they shall have power to purchase the lot, lots, or parts of lots, of land necessary for such street, alley, lane, road, or court, and the fee simple of said land shall be vested in said city or town for the use of the public from the day of the deed of sale: *Provided*, That in incorporated towns a petition signed by a majority of the owners of real estate therein shall first be submitted to the Intendant and Wardens, praying them to widen, open, lay out, extend, or establish such street, alley, lane, road or court, but this proviso shall not apply to incorporated cities.

Streets, &c.,
may be widen-
ed, opened, &c.

Petition to be
submitted.

Proceedings in
case of refusal.

SEC. 1397. In case any owner or owners of said lot or lots of land as aforesaid shall refuse to sell the same, or shall demand what may be deemed an unreasonable price by the said authorities, then the said authorities shall nominate and appoint six free-holders, resident in said city or town, who shall meet an equal number to be named and appointed on the part of the owner or owners, to determine and fix upon the true and real value of such land, and any damage thereto by reason of the opening, widening, or extension of such highway, due regard being had in assessing such damages to any increased value of such lot, lots, or parts of lots, by reason of the opening, widening, or extension of such highway, with

Damages.

full power in the Commissioners appointed as aforesaid, in case of disagreement, to call in one other Commissioner; and on the payment of the full value of said lot or lots, or parts of lots, and such special damages aforesaid, ascertained and determined on in

Fee simple to
vest and deed to
be made.

the manner above provided, the fee simple of the said lot, lots, or parts of lots shall be vested in such city or town for the use of the public and the said owner shall execute his deed without warranty therefor accordingly to said city or town. In case any owner shall be dissatisfied with the valuation of his lot or lots, or such special damages aforesaid, it shall and may be lawful for such owner to appeal from the same upon giving notice of such appeal to the Mayor and Aldermen, or Intendants and Wardens of such city or town, within ten days from the time of his receiving a notification of such valuation and assessment of damages, to the Court of Common Pleas for the county in which said lands may be, at the next session thereafter; and the said court shall order a new valuation and assessment of damages, or either, in such particular case, to be made by a jury, who shall be charged therewith in the same or some subsequent term, and their verdict shall be final and conclusive unless a new trial be granted; and after final judgment in such case the fee simple of said lot or lots, or parts of lots, shall be vested in such city or town upon the payment or tender of payment of the amount of such valuation and damages, and the said owner shall thereupon execute his quit-claim deed therefor accordingly to said city or town.

Owner to exe-
cute quit claim.

Clerk to make
deed in certain
cases.

SEC. 1398. In all cases where, under the last preceding Section, the owner is required to execute his deed to said city or town, and shall fail or neglect so to do, then the Clerk of the Court of Common Pleas for the county in which said city or town is situated, shall on behalf of said owner execute a

deed without warranty therefor to said city or town, which said deed shall as effectually bind said owner and his or her heirs and assigns as though executed by said owner. And said deed and all proceedings had in such matter, except proceedings in court, shall be recorded by the Register of Mesne Conveyances of said county in the books wherein conveyances of real estate in said county are required by law to be recorded.

Proceedings to be recorded.

SEC. 1399. The Mayor or Intendant of such city or town shall call a meeting of the said owners at some proper time and place, by the service of a notice, as summons are now required by law to be served, and the owners attending such meeting or their proxies, or a majority of them, shall appoint the Commissioners in their behalf mentioned in Section 1397, and in case the owners at said meeting, or adjournment thereof within ten days, shall neglect or refuse to appoint Commissioners, then the Commissioners appointed by said city or town on their behalf, or a majority of them, shall be, and they are hereby authorized to proceed to the discharge of the duties herein prescribed, and their judgment in the matter shall be final and conclusive, except in the case of appeal as above prescribed.

Meeting to appoint Commissioners.

SEC. 1400. When the owner, or any one of several owners of the lands is an infant, or *non compos mentis*, the required notice shall be served personally upon the trustee, guardian or committee of such persons, and personally on such owner, and if there be no such trustee, guardian, or committee the Clerk of the Court of Common Pleas shall have power, and is hereby authorized, to appoint for such person a guardian *ad litem*, upon whom the service shall be made, and who shall represent the interest of such infant or person *non compos mentis*. Said Clerk shall pursue in all respects the mode now provided by law for the appointment of

Where owners neglect.

Infants and lunatics.

Guardian *ad litem.*

Non-residents.

guardians *ad litem* for infants and persons *non compos mentis*. If any owner of the lands shall reside beyond the State, or his or her place of residence be unknown, the service shall be made upon the agent of such owner in charge of said land, or if there be no such agent, then such owner shall be served by publication as in civil actions.

Commissioners
to be sworn.

SEC. 1401. The aforesaid Commissioners, before they proceed to act in the premises, shall severally make oath before some person authorized by law to administer oaths, that they will fairly, faithfully and impartially discharge the duties herein required of them.

Stocks and Bonds.

Approved
Dec. 23, 1878.
XVI Stat., 754.

AN ACT TO AUTHORIZE THE CITY COUNCIL OF CHARLESTON TO ISSUE FOUR PER CENT. COUPON BONDS FOR THE PURPOSE OF TAKING UP AND RETIRING THE STOCK OF THE SAID CITY.

City Council
authorized to is-
sue bonds.

SECTION 1. That for the purpose of taking up and retiring the Stock of the City of Charleston, which is now outstanding, the City Council of Charleston be, and they are hereby authorized and empowered to issue coupon bonds to an amount not exceeding the amount of the stock of the City now outstanding, said bonds to bear interest at four per cent. per annum, payable semi-annually, and to be exchanged at par for the stock of the said City now outstanding, to have date from the date of exchange of the certificate of the said stock, and to be made payable thirty years from their respective dates.

Bonds not tax-
able.

SEC. 2. The said bonds shall not be taxable by the City of Charleston for any purpose what-

soever, and the coupons shall be receivable in payment of taxes, and all dues to the said City.

SEC. 3. That the principal and interest of the said bonds shall be payable at such places as the City Council may, by Ordinance, provide.

SEC. 4. All executors, administrators, trustees, guardians and other persons who now hold, or who may hereafter become possessed of, the said City Stock in a fiduciary capacity, are hereby authorized and empowered to exchange the stock so held for the bonds so issued by the said City Council under this Act.

AN ACT TO AMEND AN ACT ENTITLED, "AN ACT TO AUTHORIZE THE CITY COUNCIL OF CHARLESTON TO ISSUE FOUR PER CENT. COUPON BONDS FOR THE PURPOSE OF TAKING UP AND RETIRING THE STOCK OF THE SAID CITY," APPROVED DECEMBER 23, 1878.

Approved
Dec. 21, 1888.
XX Stat., 129.

Whereas, By an Act of the General Assembly entitled, "An Act to authorize the City Council of Charleston to issue four per cent. Coupon Bonds, for the purpose of taking up and retiring the stock of the City," approved December 23, 1878, the said City Council of Charleston is authorized and empowered to issue the said four per cent. Coupon Bonds to an amount not exceeding the amount of the stock of the City then outstanding, for the purpose of exchanging the said bonds for the said stock; and whereas, The fourth Section of the said Act provides that the said bonds shall be registered (at the option of their holders) by the Treasurer of the said City, after which registration they shall only be transferred by endorsement; and whereas, It hath been found that the bonds so registered and endorsed become what is known in the Stock Mar-

Preamble.

XVI Stat., 754.

ket as scratched bonds, and are thereby much depreciated in value, causing great loss and injury to the holders of such bonds; Now, to remedy this inconvenience—

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the Act entitled, "An Act to authorize the City Council of Charleston to issue four per cent. Coupon Bonds for the purpose of taking up and retiring the stock of the City," approved December 23, 1878, be, and the same is hereby amended, and for the purpose of exchanging and issuing clean bonds in place of the scratched, registered or endorsed bonds now outstanding, the City Council of Charleston are hereby authorized and empowered, in addition to the bonds provided for in the said Act, to issue Coupon Bonds to an amount not exceeding the amount of the scratched, registered or endorser bonds now outstanding, said bonds to bear interest at four per cent. per annum, payable semi-annually, and to be exchanged at par for the said scratched, registered or endorsed bonds, and to be substituted for the same in all respects, except as herein otherwise provided, to bear date as of the date of said exchange, and to be made payable as of the date of the bonds for which they are respectively exchanged.

*SEC. 2. All executors, administrators, trustees, guardians, and other persons who now hold, or who may hereafter become possessed of any scratched, registered or endorsed bonds in a fiduciary capacity, are hereby authorized and empowered to exchange the said bonds so held, for the clean bonds issued by the said City Council under this Act: *Provided*, That they be otherwise duly vested with power so to do.*

Proviso.

*A. A., 1878.
XVI Stat., 754.*

Amended.

*Exchange of
scratched bonds.*

Form of bonds.

*Trustees may
exchange.*

AN ACT TO PREVENT THE CITY COUNCIL OF CHARLESTON INCREASING THE DEBT OF THE CITY OF CHARLESTON, EXCEPT IN THE MANNER HEREIN PRESCRIBED.

Approved
Dec. 17, 1881.
XVII Stat., 582.

Be it enacted by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That from and after the approval of this Act, it shall not be lawful for the City Council of Charleston to create any debt beyond the municipal income of the current year, or to indorse or guarantee the notes, bonds or obligations, or accept the drafts of any company, corporation, person or persons, for any purpose whatsoever, unless the following terms and conditions be first observed and complied with:

First. A resolution declaring the intention of the said City Council to create such indebtedness, or incur such liability, and specifying the amount thereof, shall first be passed at a regular meeting of the said City Council, by a vote of two-thirds of the whole body.

Two-thirds vote
of City Council
required.

Second. That the proposition, after being adopted in such manner by the said City Council, shall be submitted to the qualified voters of the City of Charleston, at an election to be held under resolution of the said City Council, after ninety days' notice thereof; and should two-thirds of the number of qualified voters voting at the preceding municipal election vote affirmatively at said election, the proposition shall then be submitted to the General Assembly of the State of South Carolina for approval; and should the proposition be approved by the said General Assembly, the said City Council of Charleston shall have the authority to create the debt, or incur the liability.

Two-thirds vote
of qualified voters
required.

That all Acts or parts of Acts inconsistent with this Act be, and the same are hereby repealed.

CRIMINAL CODE OF S. C., 1902.

TO PROTECT WATER WORKS, SEWERS AND DRAINS OF CITIES AND TOWNS.

Interference with sewers prohibited. SEC. 194. No person shall turn, remove, raise, or in any manner tamper with any cover of any man-hole, filter, bed or other appurtenance of any public sewer, without a written permit from the proper authorities of such works; and no person, except those engaged by the proper authorities, shall enter any public sewer, without a special written permit. And no person shall, either within or without any city or town, obstruct, damage or injure any pipe, ditch, drain, filter, beds or appurtenances of any water works, sewerage or drainage of any such city or town. Every person violating the provisions of this Section shall, upon conviction, be deemed guilty of a misdemeanor, and be subject to a fine not to exceed one hundred dollars, or imprisonment for thirty days.

Damages prohibited. **to**

Penalty.

CIVIL CODE OF S. C., 1902.

UNLAWFUL FOR ANY MUNICIPAL OFFICER TO TAKE A CONTRACT FOR WORK FOR THE MUNICIPAL CORPORATION OF WHICH HE IS AN OFFICER, AND TO PROVIDE A PENALTY FOR VIOLATIONS OF THIS ACT.

No municipal officer to contract with municipality. SECTION 2002. No municipal officer shall take a contract to perform work, or furnish

material for the municipal corporation of which he is an officer, and no such officer shall receive any compensation on any contract for said purpose. *Provided*, That in cities of over thirty thousand inhabitants such contracts may be allowed by the unanimous vote of City Council upon each specific contract; such vote to be taken by yeas and nays, and entered upon Council's Journal.

The City Court and the Police Court of Charleston.

CIVIL CODE OF S. C., 1902—CHAPTER LXXXIX.

SECTION 2777. That the Court heretofore established and called the City Court of Charleston, shall be held by the Recorder of the City of Charleston; and the City Council shall fix and provide such compensation for the Recorder as may be fit and proper, and proportioned to the importance of his station; which compensation shall not be increased or diminished during his continuance in office; to be paid by the City.

SEC. 2778. The said Recorder shall be appointed by the City Council of Charleston, and hold his commission during good behavior; and he shall sit, at such times as may be fixed by the Ordinances of the City of Charleston, from time to time.

SEC. 2779. The jurisdiction of the City Court of Charleston shall be limited to the trial of causes arising under the Ordinances of the City Council of Charleston.

SEC. 2780. All issues, controversies and litigations in the said Court, if demanded by either party, shall be tried by a jury composed of six persons, according to the regulations and forms prescribed by law in cases of trial by jury, and as hereinafter provided.

1801, VII, 300;
1820, VII, 322;
§1; 1 Mill, 45.
1902.

To be holden
by the Recorder,
&c.

Salary, &c.

1783, VII, 99;
§4, 1856, XII, 4;
488, §6.

Recorder's term
of office.
Sessions.

Ib., 1 N. &
McC., 227; 2 N.
& McC., 233; 4
McC., 487; 1
Rich., 366; 2 Ball.,
164.
Jurisdiction of
Court.

1801, VII, 301;
§3; 10 Rich., 438.

Trial by jury

in certain cases.

Jury Commissioners, how constituted.

City Sheriff to provide Jury list.

Jury box to have three locks.

Drawing Juries.

Formation of Juries, etc.

SEC. 2781. The Clerk of the City Court, the City Treasurer and the City Assessor shall constitute the Board of Jury Commissioners for the City Court of Charleston. *Provided*, in case any member of the Board of Jury Commissioners fail to attend for the purpose of drawing a jury a majority of the Board may act. The City Sheriff shall, upon the passage of this Act, and hereafter, on the first day of January of each year, provide a list of twenty-five hundred legally qualified jurors, from which list the Board of Jury Commissioners shall cause the names to be written, each one on a separate paper or ballot, and shall fold up said pieces of paper or ballots so as to resemble each other as much as possible, so that the names thereon shall not be visible on the outside, and shall place them, with the said list, in a box to be furnished to them by the City Council of Charleston, which box shall be in custody of the Clerk of Court. The jury box shall be provided with three locks, all different. The key to one lock shall be kept by the Clerk of the City Court, one by the City Treasurer, and one by the City Assessor, so that no two of said Commissioners shall hold keys to the same lock. When jurors are to be drawn, the Board of Jury Commissioners shall attend at the office of the Clerk of the City Court, and, in the presence of the Sheriff, shall shake up the names of the jury box until they are well mixed, and having unlocked said box, the Board of Jury Commissioners, or a majority of them, shall proceed to draw therefrom, without seeing the names written thereon, a number of ballots equal to the number of jurors required, and which jury shall be summoned for the trial of causes in like manner, and under the same penalties, as are established by law and usage in the Circuit Court. *Provided*, That no venire facias shall, at any time, issue for more than eighteen jurors to serve at one

Court, from whom a jury or two juries, if the Recorder shall regard more than one jury necessary for the proper dispatch of the business before the Court, shall be empanelled, and in case of non-attendance of the jurors so drawn and summoned, their places may be supplied by talesmen, drawn in the usual mode; but no person shall be liable to serve twice, until all the names in the said jury box shall be drawn out.

SEC. 2782. All persons possessing the qualifications prescribed for jurors by the laws of the State, and usually residing in the city, or who have resided therein for four months before their being sworn and there being at the time of being drawn and summoned, shall be liable to serve as jurors in the said Court, saving and reserving to all persons all lawful excuse and exemptions as in other Courts.

Qualification of juror.

SEC. 2783. It shall be lawful for the City Council, and the said Recorder, to prescribe, and from time to time to regulate the practice of the said Court, and of the attorneys therein, conformably to this chapter, and as nearly as may be to the forms and rules used in the Circuit Courts of this State, and the proceedings shall be the same substantially as in like cases; except in cases for the violation of Ordinances, when imprisonment is imposed, in addition to or in the alternative of a fine, in which cases the prosecution shall be in the form of an information on the official oath of the Corporation Counsel.

City Council and Recorder to regulate practice.

SEC. 2784. All writs and processes shall be issued by the Clerk of the said Court, and shall be made returnable to the first day of the term next succeeding the issuing of the same.

Clerk to issue all writs, etc.

SEC. 2785. The said Court is invested with power and authority to grant rules, to hear and determine motions for new trial in arrest or judgment, and all questions of law arising out of causes

Powers of Court.

within its jurisdiction; to issue subpoenas for the attendance of witnesses, to grant commissions for the examination of witnesses, to issue executions of fieri facias against the real and personal property of defendants, to issue writs of capias ad respondentum, to punish for contempt, and also all other the usual process, according to the known and approved rules of the common law, and of the Acts of the Assembly in such cases provided. The Recorder shall have the same powers in the discharge of his duties as the Judges of the Court of Sessions and Common Pleas in like cases; but it is hereby declared and provided that no process or writ issuing out of the said Court shall extend or be of force for service or execution out of the limits of the said city, except commissions to examine witnesses; and that all writs shall be served and returned ten days before the sitting of the Court aforesaid.

Power of Recorder.

Extent of authority.

Right of appeal to Supreme Court.

Transfer of judgment, etc., from City Court to Circuit Court.

SEC. 2786. All parties shall have the same right of appeal to the Supreme Court from the decisions of the said City Court in the same form which is now, or may be lawful for parties in the Circuit Courts in like cases, and the Supreme Court shall hear and determine such appeals in the same manner as appeals from the Circuit Court of Charleston County.

SEC. 2787. All judgments in the office of the Clerk of the said City Court, and all executions, writs and processes in the office of the Sheriff of the City of Charleston, other than judgments, executions and processes arising under the Ordinances of the City Council of Charleston, shall be transferred, respectively, in the offices of the Clerk of the Circuit Court and of the Sheriff of the County of Charleston, which causes, judgments, executions, writs and processes shall be of like validity and force, as if the same had originated or been sued out of the Circuit Court for the said County.

SEC. 2788. The Clerk and Sheriff of the said City Court of Charleston shall have the same powers and authority in all cases within the jurisdiction of the said Court, as the Clerks and Sheriffs of the Circuit Courts.

Powers of Clerk and Sheriff.

SEC. 2789. In case of the sickness or absence from the State of the Recorder, they shall have power, and are hereby authorized and required to draw juries for the succeeding term.

To draw jurors in absence of Recorder.

SEC. 2790. The charges and fees of the several officers of the City Court shall be the same as in the Circuit Court in like cases.

Fees same as in like cases in Circuit Court.

SEC. 2791. There shall be established a Court in the City of Charleston known as the Police Court of the City of Charleston, which shall be held by the Recorder of the City of Charleston. The said Recorder, and any Magistrate holding the Police Court of the City of Charleston, in the case of absence, sickness, or other disability of such Recorder, is invested with jurisdiction to hear and determine all cases of a criminal nature occurring within the limits of the City of Charleston, which are not within the exclusive jurisdiction of the Court of General Sessions. That is to say, any such officer holding the Police Court shall have jurisdiction of all offences committed within the limits of the City of Charleston, on arrest by the police or municipal authorities, which may be subject to the penalty of fine or forfeiture not exceeding one hundred dollars, or imprisonment, with or without hard labor, not exceeding ninety days, and may impose any sentence within these limits, singly or in the alternative.

Police Court.

Limit of Punishment.

SEC. 2792. Upon the sworn information of any member of the police force, or municipal officer, any such officer holding the said Police Court as aforesaid, shall proceed to the examination of any charge against any person arrested and brought before him,

Preliminary examination shall be held.

1897, XXII, 412.

and upon the same appearing not to be within the jurisdiction of the said Police Court, he shall refer the same to a Ministerial Magistrate as such for examination, to be by such Ministerial Magistrate referred to the Judicial Magistrate's Court of the City of Charleston, or Court of General Sessions, as may be proper.

*When deposit
for appearance
forfeited.*

SEC. 2793. Upon any charge made as above against any person released on deposit, and not appearing when called, any such officer holding the said Police Court shall order the said deposit forfeited.

*Right of trial
by jury.*

SEC. 2794. In the trial of any case in the said Police Court, upon the demand for a jury, the same shall be summoned and empanelled in the said Police Court, in accordance with the law for empanelling juries in Magistrates' Courts.

*Stenographer
and duties of.*

SEC. 2796. In taking testimony and preparation of the record in cases of appeal from the said Police Court, the transcript of the notes of the testimony, taken at the trial by a sworn stenographer, shall be held to be equivalent to the testimony signed by the witnesses. And the Recorder is hereby authorized and empowered to appoint a suitable person as official stenographer of said Police Court, who, after being duly sworn, shall take all testimony before said Police Court.

*Duties of offi-
cers of Police
Force.*

SEC. 2796. It shall be the duty of one of the officers of the police force to be in constant attendance on said Court, and to take proper measures for the safe-keeping of the prisoners, and for carrying into effect the orders of said Court.

*Jurisdiction of
Recorder.*

SEC. 2797. The said Recorder shall not be permitted to plead in a Superior Court in any cause which has been argued before or adjudged by him. The Recorder is hereby clothed with all the powers, duties and jurisdiction of a Judicial Magistrate, except that he shall not receive any additional com-

pensation and shall not have the authority of a Magistrate to appoint a constable. In case of the sickness or other unavoidable absence of the Recorder, the Police Court shall be held by one of the Aldermen of the City of Charleston, or by one of the Magistrates for Charleston County, as may be designated by the Mayor.

In the absence
of Recorder to
be held by an
Alderman or mag-
istrate.

**AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO
REGULATE THE ELECTION OF MAYOR AND AL-
DERMEN OF THE CITY OF CHARLESTON," AP-
PROVED JUNE 8, 1877.**

Approved
Dec. 23, 1878.

SECTION I. Be it enacted by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That Section two (2) of an Act entitled "An Act to regulate the election of Mayor and Aldermen of the City of Charleston," approved June 8, 1877, be amended so as to read as follows: "The election of Mayor and Aldermen of the City of Charleston shall be held on the second Tuesday in December, eighteen hundred and seventy-nine and on the same day in every fourth year forever thereafter."

Holding election.

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